



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA December 21, 2016

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the November 16, 2016 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **Lot 19, Block 2, Sonnet Heights Subdivision Second Replat (JW)**
Zoning Change (RM30 to CA) | ZC2016-020 1

Staff recommendation: deny ☐ schedule a hearing ☐ continue ☐ table ☐ deny
3. **Freedom Ranch Subdivision (WH)**
Preliminary Plat | PPLT2016-0107

Hay Creek Township

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny
4. **Eagle Crest 7th Addition (DN)** 13
 - Zoning Change (A to R5) | ZC2016-022
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
 - Preliminary Plat | PPLT2016-009
Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny



REGULAR AGENDA PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

5. Eden's Subdivision (WH) 21

Hay Creek Township

- Zoning Change (A to RR) | ZC2016-019

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

- Final Plat | FPLT2016-010

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

**6. Lots 7-12, Block 37, Governor Pierce Addition (JW)
Zoning Change (CG to MA) | ZC2016-021 29**

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

**7. Lots A and B of Lot 1 and Part of Lot 2, Block 1, Miriam Industrial Park 2nd
Addition (JW)
Special Use Permit Amendment (Motor Vehicle Parts Salvage Yard) |
SUP2016-005 33**

OTHER BUSINESS

8. Other

ADJOURNMENT

9. Adjourn. The next regular meeting date is scheduled for **January 25, 2017.**

Enclosures: Meeting Minutes of November 16, 2016
Building Permit Activity Month to Date Report for November 2016
Building Permit Activity Year to Date Report for November 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

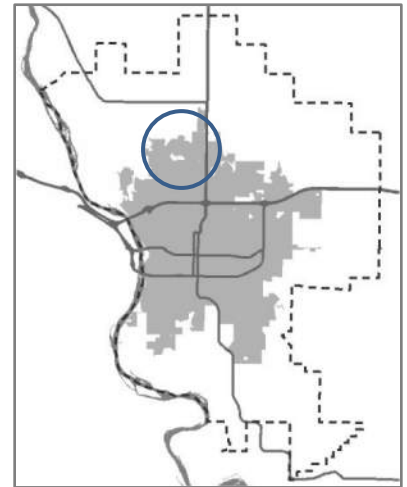
Agenda Item # 2
December 21, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-020

Project Summary

<i>Title:</i>	Lot 19, Block 2, Sonnet Heights Subdivision Second Replat
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Rudy Peltz, 1 st Choice Homes LLC
<i>Project Contact:</i>	Rudy Peltz
<i>Location:</i>	In north Bismarck, between US Highway 83 and Yukon Drive, along the south side of 57 th Avenue NE.
<i>Project Size:</i>	56,220 square feet
<i>Request:</i>	Rezone property to allow for neighborhood commercial development.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 lot in 1 block	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Multifamily residential	<i>Land Use:</i>	Neighborhood commercial
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	CA – Commercial
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	CA – Neighborhood commercial
<i>Max Density Allowed:</i>	RM30 – 30 units / acre	<i>Max Density Allowed:</i>	CA – 30 units / acre

Property History

<i>Zoned:</i>	12/1980 Sonnet Heights 10/2007 Sonnet Heights Subdivision Second Replat	<i>Platted:</i>	12/1980 Sonnet Heights 10/2007 Sonnet Heights Subdivision Second Replat	<i>Annexed:</i>	04/2007
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Staff Analysis

The Planning and Zoning Commission, at their meeting of November 16, 2016, considered a request for a zoning change from the RM30 – Residential zoning

district to the CG – Commercial zoning district. It was discussed during the meeting that staff would not be supportive of a zoning change that would have a higher land use, density and building height than those permitted within the RT – Residential zoning district.

(continued)

The Planning and Zoning Commission, after receiving testimony from the applicant, requested the applicant modify their original request to the CA – Commercial zoning district.

The applicant has modified their original request to a zoning change from the RM30 – Residential zoning district to the CA – Commercial zoning district to allow for neighborhood commercial uses to be located on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat.

The Planning Division has been periodically asked by current and prospective owners of this property support a zoning change to a commercial zoning district for this particular property. Planning staff has consistently responded to this request by stating that they would not support a zoning change that would have a higher land use, density and building height than those permitted within the RT – Residential zoning district, as it would not be compatible with adjacent single-family residential land uses. Uses permitted within the RT – Residential zoning district include offices and multi-family residential uses with an overall building height of fifty (50) feet and thirty (30) units per acre.

Adjacent land uses include, an automobile sales facility to the north (Kupper Chevrolet) across 57th Avenue NE, undeveloped CG – Commercial zoned property to the east, single and two-family dwellings to the south and undeveloped RM30 – Residential zoned property to the west.

A plat note was added to the plat of Sonnet Heights Subdivision Second Replat pertaining to access from 57th Avenue NE at the request of staff, and prior to its approval in October 2007. This note states the following:

- A joint access is allowed on the lot line shared by Lots 18 and 19, Block 2 of the plat with the condition that the zoning of these lots remain as RM30 – Residential or a zoning district of lesser intensity;
- A second joint access is allowed on the lot line shared by Lot 19 of Block 2, Sonnet Heights Subdivision Second Replat and Lot 1 of Block 1, Tree Top Addition and that this access is the

only access to 57th Avenue NE from Lot 1, Block 1, Tree Top Addition;

- If lot mergers (combinations) or zoning changes to higher density occurs in this area, the access point shall remain at the location of the lot line shared by Lots 18 and 19, Block 2, Sonnet Heights Subdivision Second Replat; and
- Full access onto 57th Avenue would be allowed until such time as the City Engineer or the City Engineer's authorized representative determines that the traffic congestion or safety create the need to restrict this access.

If the Planning Commission approves the zoning change as proposed, modifications to the location of the joint access easements may be necessary.

Required Findings of Fact | Land Use

1. The proposed zoning change generally is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is not compatible with adjacent land uses and zoning. In particular, the proposed zoning change would not provide a zoning transition between existing single and two-family uses to the south and commercial uses proposed for this property;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, provided the lot remains zoned as RM30 – Residential or a zoning district of lesser intensity as outlined in the plat note for Sonnet Heights Subdivision Second Replat;
4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is not in the public interest and is solely for the benefit of a single property owner;
6. The proposed zoning change is not consistent with the general intent and purpose of the

(continued)

zoning ordinance. In particular, the proposed zoning change would not provide a zoning transition between the existing single and two-family uses and commercial uses proposed for this property;

7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice as a zoning transition would not be made between the existing single and two-family uses and commercial uses proposed for this property; and
8. The proposed zoning change may adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends denial of the zoning change from the RM30 – Residential zoning district to the CA – Commercial zoning district on Lot 19, Block 2, Sonnet Heights Second Replat.

Attachments

1. Location Map
2. Zoning Map
3. Sonnet Heights Subdivision 2nd Replat

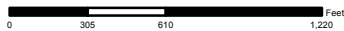
Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Zoning Change (RM30 to CA) **Lot 19, Block 2, Sonnet Heights Subdivision 2nd Replat**



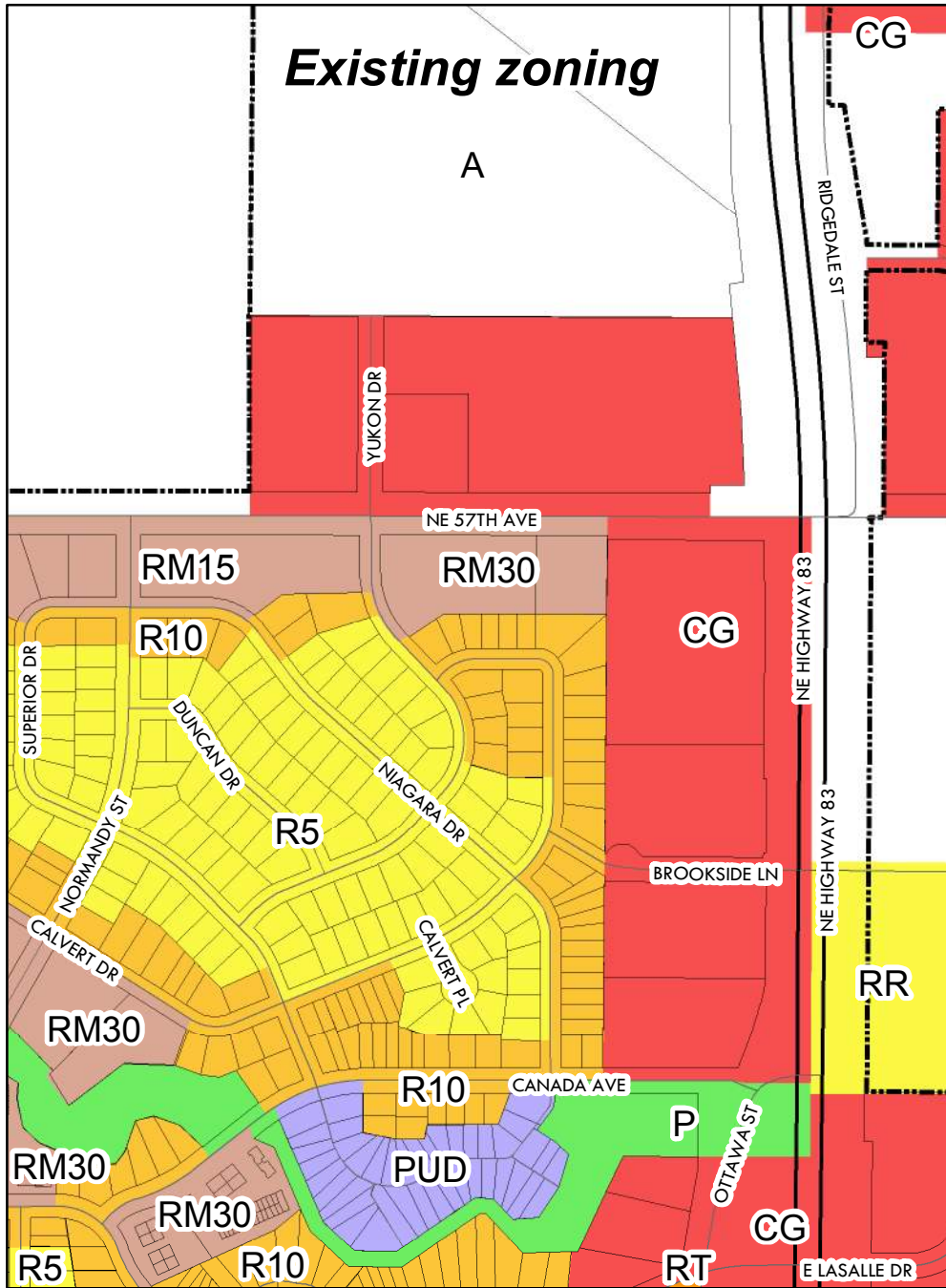
November 18, 2016 (h1b)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

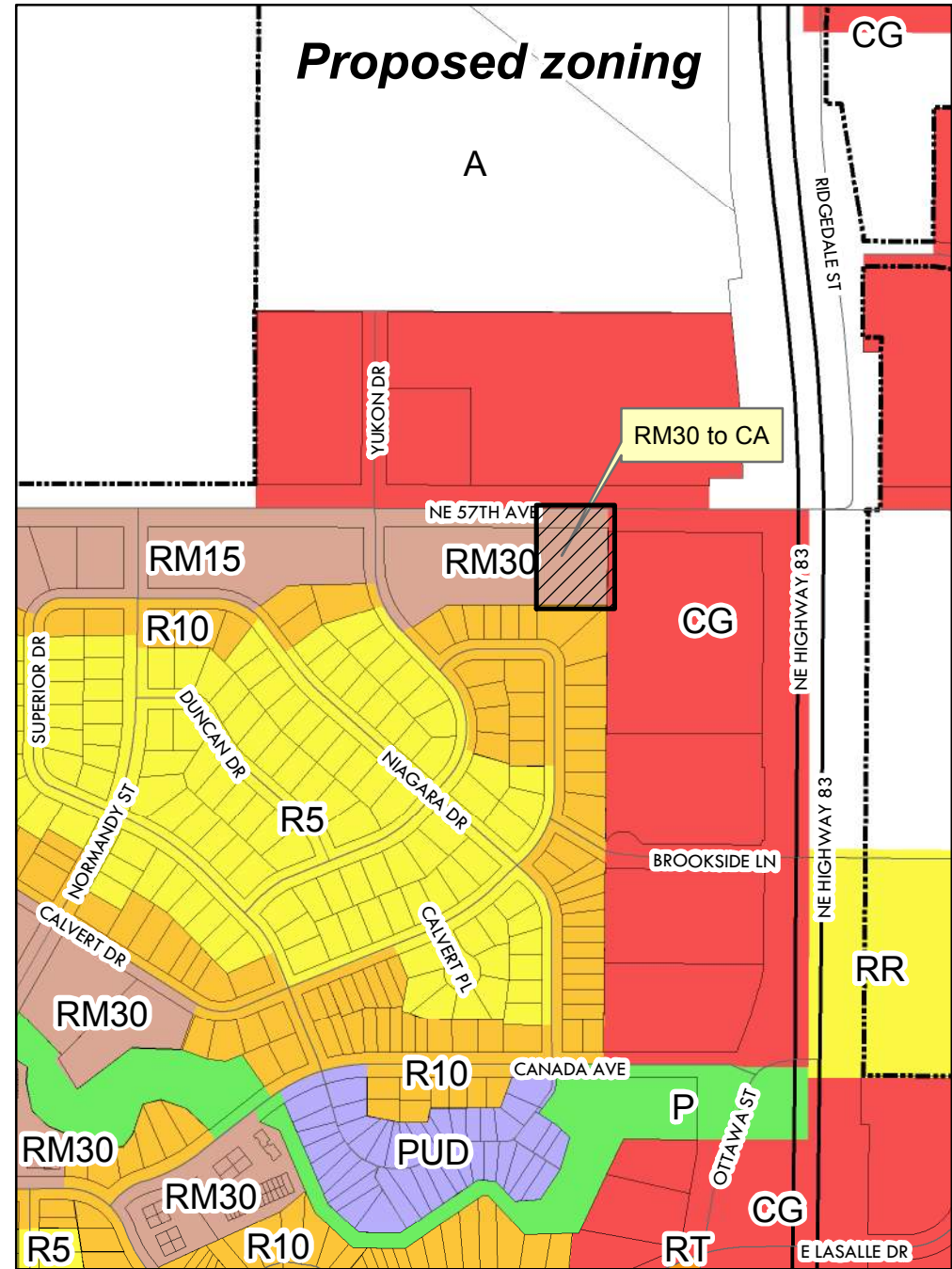


Lot 19, Block 2, Sonnet Heights 2nd Addition

Existing zoning



Proposed zoning



SONNET HEIGHTS SUBDIVISION SECOND REPLAT

BEING A REPLAT OF LOTS 1-12 BLOCK 9
LOTS 1-9 BLOCK 8 AND LOTS 1-12 AND 18-24 BLOCK 6
AND THE ADJOINING BANFF DRIVE, CALVERT DRIVE,
SONNET HEIGHTS SUBDIVISION
EAST 1/2 SECTION 16, T. 139 N., R. 80 W.,
BURLEIGH COUNTY, NORTH DAKOTA

BISMARCK, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOTS 1-12 BLOCK 9, LOTS 1-9 BLOCK 8 AND LOTS 1-12 AND 18-24 BLOCK 6, BANFF DRIVE, AND PART OF CALVERT DRIVE, SONNET HEIGHTS SUBDIVISION IN THE EAST 1/2, SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 16 SOUTH 89 DEGREES 38 MINUTES 40 SECONDS WEST A DISTANCE OF 617.00 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 38 MINUTES 40 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 721.54 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG THE EAST LINE OF YUKON DRIVE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 166.83 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 304.03 FOOT RADIUS CURVE, AN ARC LENGTH OF 233.48 FEET; THENCE SOUTH 44 DEGREES 21 MINUTES 20 SECONDS EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 200.07 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID EAST LINE, ON A 271.73 FOOT RADIUS CURVE, AN ARC LENGTH OF 286.91 FEET TO THE NORTHWEST CORNER OF LOT 17 BLOCK 6 SONNET HEIGHTS SUBDIVISION; THENCE SOUTH 73 DEGREES 51 MINUTES 34 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 17, A DISTANCE OF 120.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 6.37 FEET TO THE NORTHWEST CORNER OF LOT 13 BLOCK 6, SONNET HEIGHTS SUBDIVISION; THENCE NORTH 89 DEGREES 38 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 13 AND ITS EASTERLY EXTENSION, A DISTANCE OF 178.05 FEET TO THE EAST LINE OF CALVERT DRIVE; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG THE EAST LINE OF CALVERT DRIVE, A DISTANCE OF 85.00 FEET; THENCE SOUTHWESTERLY AND TO THE RIGHT ON A 319.48 FOOT RADIUS CURVE, CONTINUING ALONG THE EAST LINE OF CALVERT DRIVE, AN ARC LENGTH OF 250.92 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 40 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 15.57 FEET TO THE EAST LINE OF NIAGARA DRIVE; THENCE SOUTH 49 DEGREES 21 MINUTES 20 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 25.41 FEET; THENCE SOUTHERLY AND TO THE RIGHT, CONTINUING ALONG SAID EAST LINE, ON A 230.57 FOOT RADIUS CURVE, AN ARC LENGTH OF 197.19 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 20 SECONDS EAST, CONTINUING ALONG SAID EAST LINE AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 452.96 FEET TO THE CENTERLINE OF CANADA AVENUE; THENCE NORTH 89 DEGREES 38 MINUTES 40 SECONDS EAST, ALONG THE CENTERLINE OF CANADA AVENUE, A DISTANCE OF 547.33 FEET TO THE WEST LINE OF OTTAWA STREET; THENCE NORTH 20 DEGREES 05 MINUTES 39 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 42.69 FEET TO THE NORTH LINE OF CANADA AVENUE; THENCE SOUTH 89 DEGREES 38 MINUTES 40 SECONDS WEST, ALONG THE NORTH LINE OF CANADA AVENUE, A DISTANCE OF 429.50 FEET TO THE WEST LINE OF TREE TOP SUBDIVISION; THENCE NORTH 0 DEGREES 02 MINUTES 22 SECONDS EAST ALONG THE WEST LINE OF TREE TOP SUBDIVISION, A DISTANCE OF 1754.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 14.62 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 22ND DAY OF October, 2007, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

David Blackstead
DAVID BLACKSTEAD - CHAIRMAN

Carl D. Hokenstad
CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 23RD DAY OF October, 2007.

W. C. Wocken
W. C. WOCKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SONNET HEIGHTS SUBDIVISION SECOND REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Melvin J. Bullinger
MELVIN J. BULLINGER
CITY ENGINEER

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT ALL MONUMENTS REQUIRED TO BE SET PRIOR TO RECORDING HAVE BEEN SET.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA 58504

Terry Baltzer
TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS 21ST DAY OF November, 2007, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2010

David Patience
DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2010

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WADE FELTON-JOMANI DEVELOPING, LLC, JAMES R. BOEHM AND NANCY J. LARSON, VIC UTKE-LANDMARK VENTURE CAPITAL, L.L.C., ROLAND HAUX AND R. LANG CONSTRUCTION INC., MARVIN MILLER AND WENDY MILLER BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SONNET HEIGHTS SUBDIVISION SECOND REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE STORM WATER & DRAINAGE EASEMENTS TO RUN WITH THE LAND FOR CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO, UNDER, ON, OVER, THROUGH, AND ACROSS SAID EASEMENT FOR SURFACE WATER DRAINAGE AND MANAGEMENT OF STORM WATER FLOW OVER AND/OR UNDER SAID EASEMENT.

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh)

Wade Felton
WADE FELTON
JOMANI DEVELOPING, LLC
BISMARCK, NORTH DAKOTA
58503
OWNER OF LOTS 1,2,11,12 BLOCK 1
LOTS 9,10,11,12 BLOCK 2, & LOTS 1-8 BLOCK 3

ON THIS 21TH DAY OF November, 2007, BEFORE ME PERSONALLY APPEARED WADE FELTON OF JOMANI DEVELOPING, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2010

David Patience
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 8-24-10

STATE OF NORTH DAKOTA)
COUNTY OF Burleigh)

James R. Boehm
JAMES R. BOEHM
5342 STAFFORD CIRCLE
PACE, FL 32571
OWNER OF LOT 19 BLOCK 2

ON THIS 19TH DAY OF December, 2007, BEFORE ME PERSONALLY APPEARED JAMES R. BOEHM KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Laurie Ferritt
My Commission Expires January 16, 2009
Success This Notary Public Service

STATE OF Minnesota)
COUNTY OF Hennepin)

Nancy J. Larson
NANCY J. LARSON
221 WEST 42ND STREET
MINNEAPOLIS, MN 55409
OWNER OF LOT 19 BLOCK 2

ON THIS 19TH DAY OF December, 2007, BEFORE ME PERSONALLY APPEARED NANCY J. LARSON KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 293-3900
Fax (701) 293-3906
Civil Engineering
Land Use Planning
Landscape & Site Design
Construction Management

Justin Hart Whitten
JUSTIN HART WHITTEN
Notary Public - Minnesota
My Commission Expires Jan 31, 2011

NW CORNER OF THE
NE 1/4 SECTION 16
T. 139 N. R. 80 W.
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STATE PLANE COORD.
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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

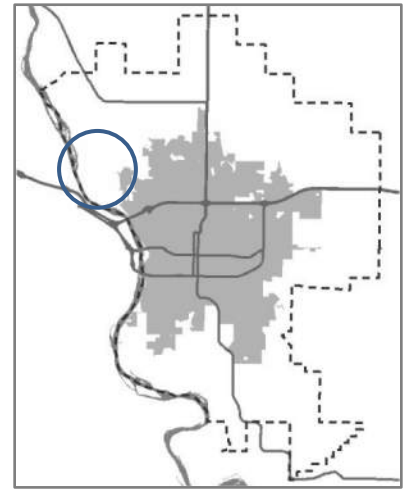
Agenda Item # 3
December 21, 2016

Application for: Major Subdivision Preliminary Plat

TRAKiT Project ID: PPLT2016-010

Project Summary

<i>Title:</i>	Freedom Ranch Subdivision
<i>Status:</i>	Planning & Zoning Commission – Consideration / Tentative Approval
<i>Owner(s):</i>	Sharon Spaedy (Current Owner) Great Plains Land (Applicant)
<i>Project Contact:</i>	Dave Patience, Swenson, Hagen & Co.
<i>Location:</i>	Northwest of Bismarck, west of River Road, south of Sandy River Drive and approximately 650 feet south of the termination of Fernwood Drive.
<i>Project Size:</i>	53.3 acres
<i>Request:</i>	Plat property as one rural residential lot and one agricultural lot.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	Unplatted	<i>Number of Lots:</i>	2
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Rural Residential & Agricultural
<i>Designated GMP Future Land Use:</i>	Conventional Rural Residential	<i>Designated GMP Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	RR – Residential A – Agricultural	<i>Zoning:</i>	RR – Residential A – Agricultural
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture A – Agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture A – Agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet A – 1 unit / 40 acres

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

The proposed plat is being requested to allow development of one single-family rural residential home on Lot 2 of the proposed subdivision. Lot 1 is included in order to plat the applicant's entire property at one time, and, as proposed, a second single family home could be developed on this lot.

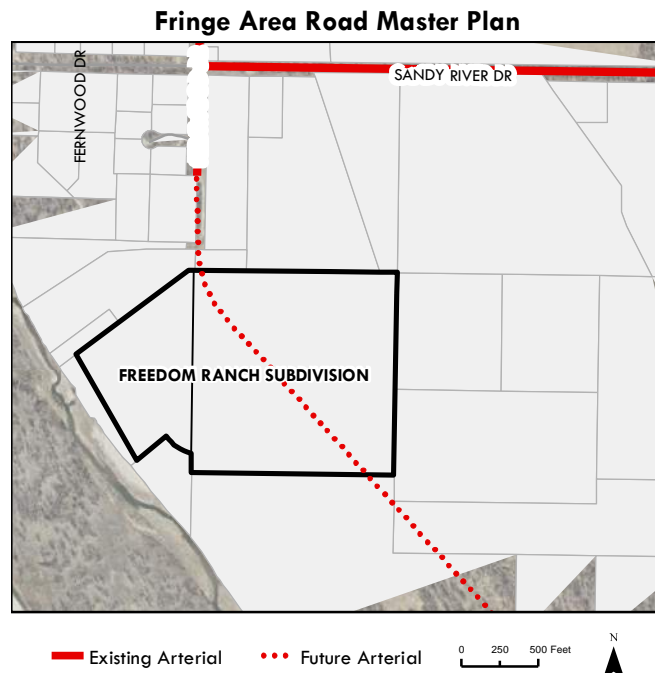
There are a variety of issues related to access within and around the proposed plat. Several properties in this area appear to lack any means of legal access, and maintaining primary access to all the adjacent properties is a concern for staff. The area along the southern portion of Lot 2 of the proposed plat contains a recorded access easement which is dedicated only to the adjacent property south of the proposed plat. This access easement would need to be rededicated on the final plat; however the location can be changed. In addition there is a gravel roadway along the northern edge and eastern edge of the proposed plat, but no easements are currently being proposed for these existing roads.

Fernwood Drive, which follows the section line, is currently not improved from approximately 650 feet north of the proposed plat to the northern boundary of the plat. Right-of-way has only been platted for portions of this 650 feet, and the rest is within the 66 feet of statutory section line right-of-way.

A waiver from Burleigh County's Gravel Road Improvement Policy was granted by the Burleigh County Commission at their October 17, 2016 meeting with the understanding that only one (1) single family residence on the combined fifty-four (54) acre parcel would be permitted. As proposed, two single family homes could be developed in this plat. The applicant has not provided a legal means of access for the proposed plat. Section 14-02-03 of the City Code of Ordinances states that a zoning lot must have a dedicated public right-of-way or permanent, exclusive, non-obstructed access easement to a dedicated public right-of-way, not less than twenty feet wide.

The Fringe Area Road Master Plan identifies Fernwood Drive as a future arterial road that would bisect Lot 1 of the proposed plat. The preliminary plat does not show a dedicated right-of-way for the extension of

Fernwood Drive at this time. Staff recommends that sufficient right-of-way for the extension of Fernwood Drive is dedicated on the proposed plat, conforming to the Fringe Area Road Master Plan as adopted.



If right-of-way is dedicated for the extension of Fernwood Drive, the 40-acre Lot 1 would need to be divided into at least two lots on either side of the right-of-way. This division would render the lots non-compliant with the minimum lot size of 40 acres in the A – Agricultural District. Rezoning these lots to RR – Rural Residential would be a potential remedy.

The entire proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. Development of the site, including construction of the proposed single-family rural residential dwelling, must comply with Section 14-03-09 of the City Code of Ordinances (FP – Floodplain District).

Required Findings of Fact | Land Use

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision does not conform to the 2014 Fringe Area Road Master Plan, as amended;

(continued)

3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.
5. The Hay Creek Township Board of Supervisors has recommended approval of the proposed preliminary plat, but the resolution has not yet been received;
6. The proposed subdivision plat does not include sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is not consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the preliminary plat for Freedom Ranch Subdivision with the understanding that the following issues need to be resolved prior to a public hearing being scheduled for the final plat:

1. Proper legal access is identified or obtained for all lots within the proposed subdivision and development does not restrict access to neighboring properties.
2. The proposed plat conforms to the Fringe Area Road Master Plan.

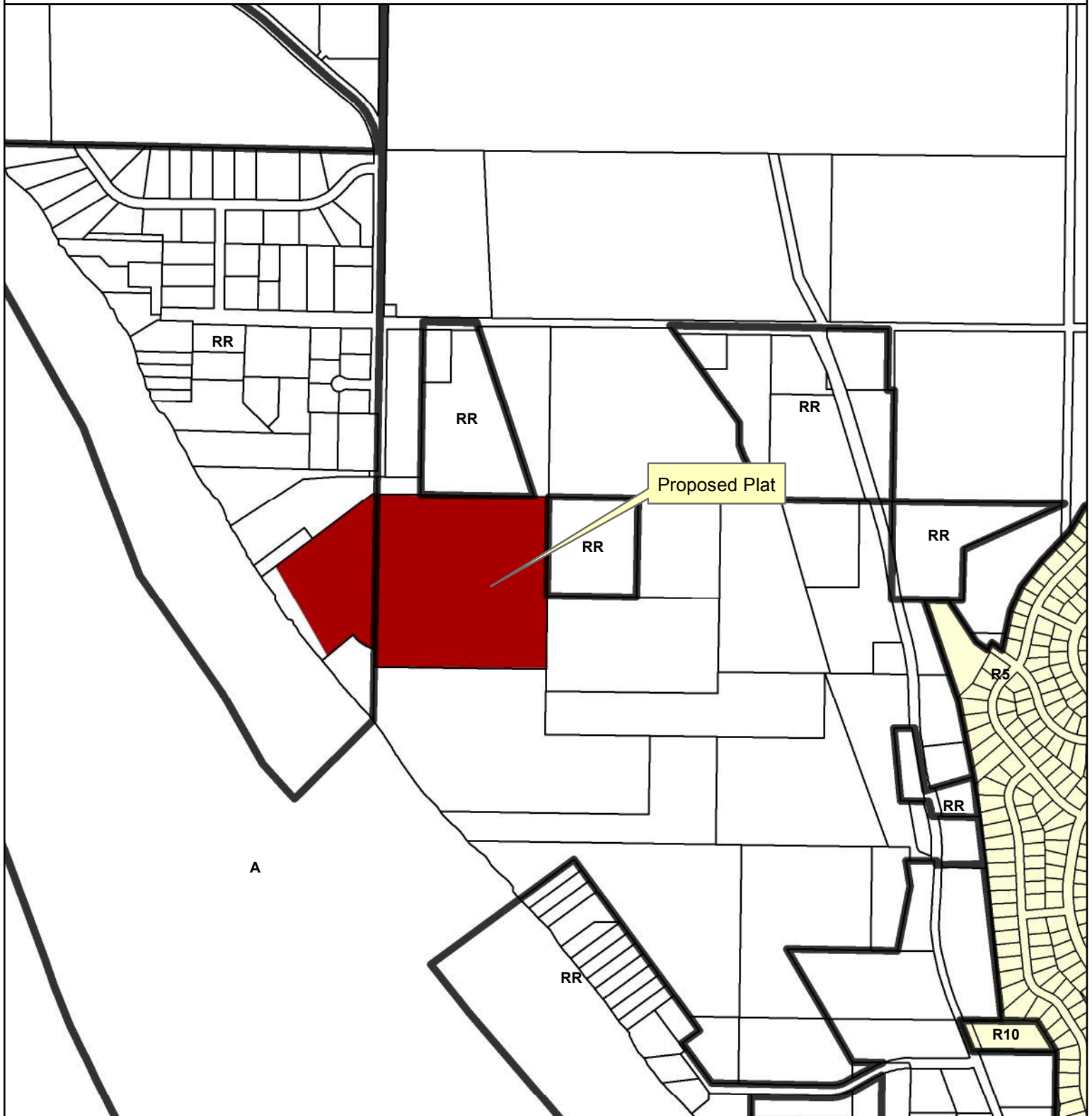
Attachments

1. Location Map
2. Reduction of Preliminary Plat

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Proposed Plat Freedom Ranch Subdivision



November 18, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

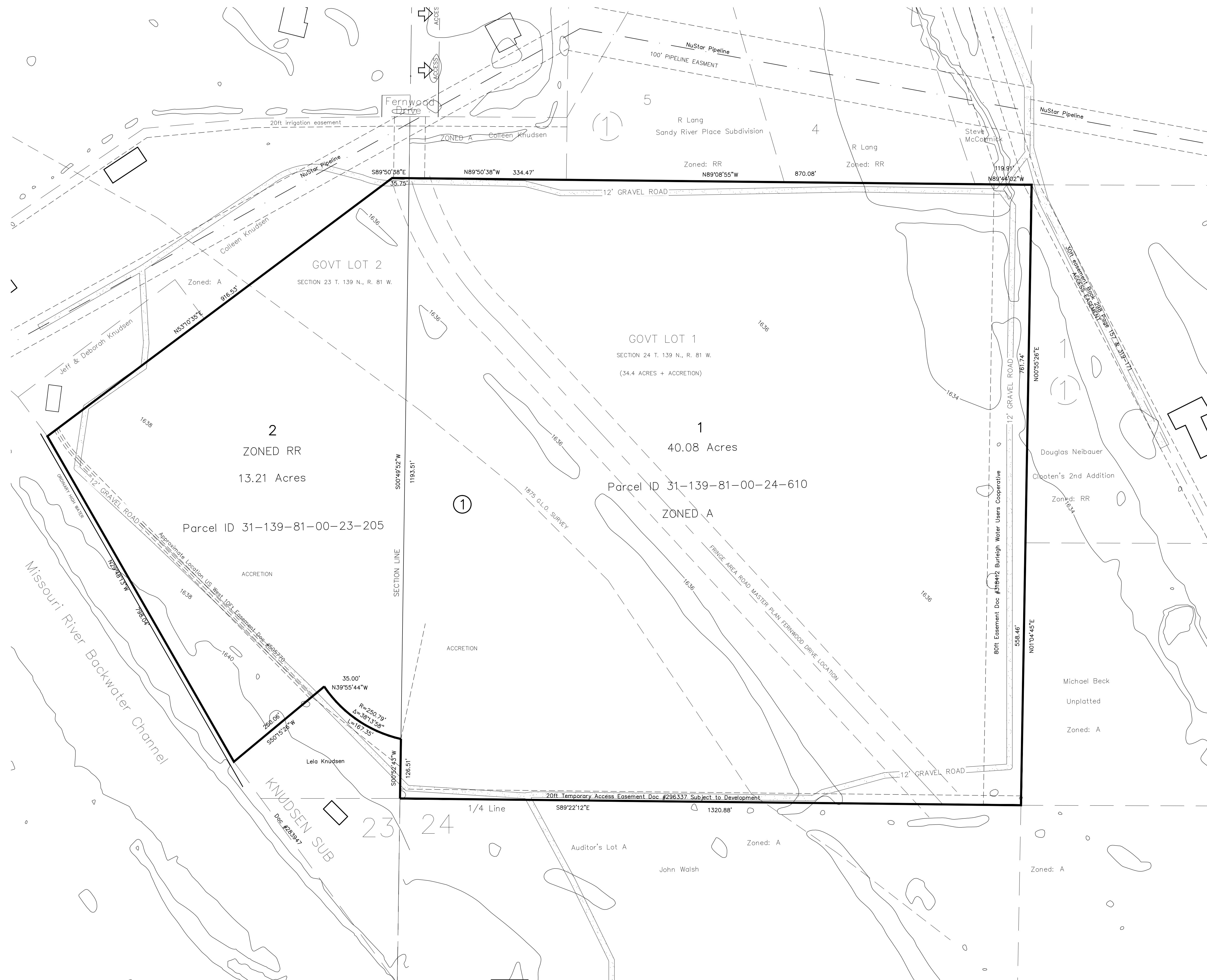
0 425 850 1,700 Feet



FREEDOM RANCH SUBDIVISION

GOV'T LOT 1 AND ACCRETED LANDS SECTION 24, T. 139 N., R. 81 W.,
PART OF GOV'T LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N. R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA

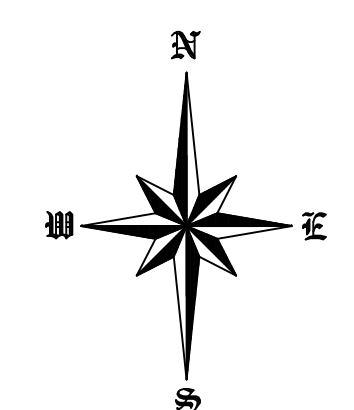


LOCATION MAP

**FEMA FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NUMBER
38015C0780D DATED
AUGUST 4, 2014
FLOOD PLAIN ELEVATION 1639.7
(NAVD 88)**

**53.3 ACRES
EXISTING ZONING: A/RR
2 LOTS**

**OWNER: BROOK MAIER
GREAT PLAINS LAND
ADDRESS: 1301 EAST FRONT AVE
BISMARCK, ND 58504
PHONE: (701) 320-7662**



0 100' 200'
SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

NOVEMBER 17, 2016



SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

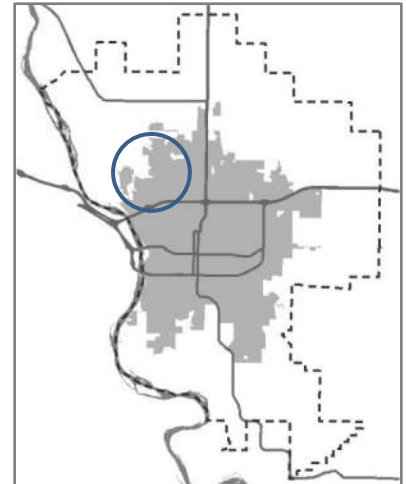
Agenda Item # 4
December 21, 2016

Application for: Zoning Change
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2016-022
PPLT2016-009

Project Summary

<i>Title:</i>	Eagle Crest 7 th Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration / Tentative Approval
<i>Owner(s):</i>	Tyler Coulee, LLP C-Family Trust
<i>Project Contact:</i>	Jason Petryszyn, Swenson Hagen and Co.
<i>Location:</i>	In northwest Bismarck, west of East Valley Drive and approximately 200 feet west of High Creek Road.
<i>Project Size:</i>	31.4 Acres
<i>Request:</i>	Annex, rezone, and plat property for development of single-family homes.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	Unplatted	<i>Number of Lots:</i>	37 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family homes
<i>Designated GMP</i> <i>Future Land Use:</i>	Low Density Residential	<i>Designated GMP</i> <i>Future Land Use:</i>	Low Density Residential
<i>Zoning:</i>	A – Agricultural R5 – Residential	<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	A – Agriculture R5 – Single-family residential	<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density</i> <i>Allowed:</i>	A – 1 unit / 40 acres R5 – 5 units / acre	<i>Max Density</i> <i>Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	Southern portion rezoned to R5 04/1994	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

The request for rezoning and platting is for the purpose of developing 31.4 acres with 37 single family dwellings. The applicant's intent is to also annex all of the land in the plat in conjunction with the rezoning and plat approval.

Topography and Slopes

Much of this land area is comprised of fairly extreme topography. Lot 27 is 6.9 acres of rugged land that would be dedicated as a stormwater and development easement and would not be a buildable lot. At this time, the Bismarck Parks and Recreation District and the City of Bismarck do not wish to accept ownership of this lot, so it would remain owned by the developer or potentially a homeowners association. The preliminary plat does not show any means of access to this lot, as required by the City Code of Ordinances.

On the northern portion of the plat, steep slopes are included within the residential lots, which are extra deep as a result. A slope protection easement is shown on portions of these lots with a slope greater than 25% (rise over run) to protect these lots and any improvements on them from soil subsidence. The easement would prohibit building, irrigation, and grading activity within the area, mirroring previous easements used on the other side of this coulee in the Promontory Point subdivisions. The preliminary plat shows this easement through Lots 11 – 15. It may be reasonable to also include such protections in the steep rear portions of Lots 6 – 10, where development is unlikely to occur anyway.

Public Utilities

The nearest sanitary sewer mains are located along the eastern side of the plat, and most of the proposed lots are downhill from these existing facilities. Prior to submitting a final plat, the applicant will need to provide a utility servicing plan showing, in particular, how each lot would be served by sanitary sewer service. The City is currently reviewing multiple options for providing sanitary sewer service for the greater Tyler Coulee sewer shed, an area that includes this proposed subdivision.

Capital Electric owns high-voltage overhead transmission lines that bisect the entire span on the plat from north to south. While surveying for this subdivision, it was discovered that the physical power lines were built outside of the recorded easement for these lines. In the northern portion of the plat this discrepancy is as much as 30 feet off. The applicant will work with this public utility to resolve this issue, mostly likely by terminating the existing easement and recording a new one over the existing location. If this occurs, the lot lines of the plat will have to be adjusted. In its current condition, Lots 7 and 16 are covered by the power lines and do not include sufficient buildable area.

Common Areas

The preliminary plat shows a circle in the middle of Crest Road that is 108 feet in diameter. Seven parking spaces are shown within this area, and the remainder is intended to function as a landscaping feature for the development. Although this area is within the public right of way, an easement is shown allowing these encroachments. As required in the Section 14-09-05(n)5 of the City Code of Ordinances, all maintenance would be handled by a neighborhood association and the island would be available for snow storage as needed.

The proposed subdivision is residential and within city limits, so the Neighborhood Park and Open Space Policy applies. However, the Bismarck Parks and Recreation District have issued a waiver from the requirement to provide a park, because all of the lots will be within a ½ of New Generations Park to the east and development is not expected to extend any further to the west in this location.

Other Issues

The proposed plat includes three cul-de-sacs: Crest Road, Crest Place, and High Creek Circle. The applicant has requested a waiver to include cul-de-sacs in the subdivision on the grounds that there is no reasonable opportunity to provide connections to streets to the west due to topography. Staff agrees and recommends approval. The Fringe Area Road Master Plan does not propose a roadway connection across the coulee in this location.

(continued)

Most of the area of the plat is owned by Tyler Coulee LLP, but the portion of the subdivision with the SW ¼ of Section 19 is owned by C-family Trust. A transfer of property is underway, and Tyler Coulee LLP expects to own all of the land by the time the final plat is submitted. Both landowners have consented to this application.

Required Findings of Fact | Land Use

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
 2. The proposed zoning change is compatible with adjacent land uses and zoning;
 3. The City of Bismarck and other agencies may not be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed because of topography and the location of existing sanitary facilities;
 4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
 5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
 6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
 7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.
3. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District;
 4. The proposed subdivision plat does not include sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision. In particular, Lot 27, Block 1 lacks any means of access.
 5. The City of Bismarck and other agencies may not be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed because of topography and the location of existing sanitary facilities;
 6. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands. Portions of the platted area are topographically unsuited for development;
 7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
 8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 9. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential zoning district, and tentative approval of the preliminary plat for Eagle Crest 7th Addition, granting a waiver to allow the use of cul-de-sacs and with the understanding that the following issues need to be resolved prior to a public hearing being scheduled for the final plat:

1. A utility servicing plan is submitted showing how the proposed uses will be served by municipal sanitary sewer service.

(continued)

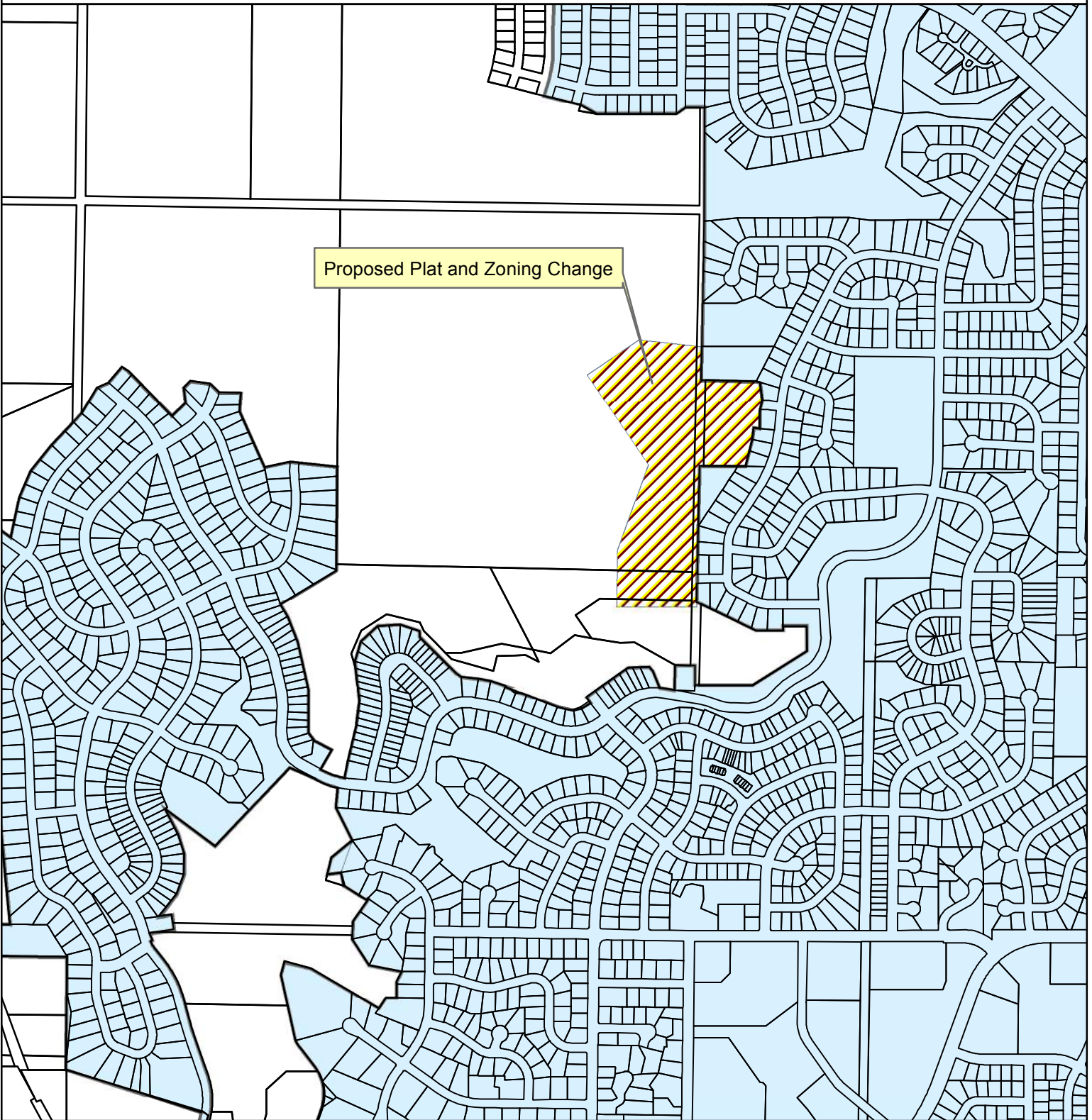
2. The final plat shows an appropriate means of access to Lot 27, Block 1.
3. The boundaries of Lots 7 and 16 are adjusted to provide sufficient buildable area that is not obstructed by transmission lines.
4. The Bismarck Parks and Recreation District formally issues a waiver of Neighborhood Park Development Requirements.

Attachments

1. Location Map
2. Zoning Map
3. Reduction of Preliminary Plat

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Proposed Plat and Zoning Change (A and R5 to R5) Eagle Crest 7th Addition



November 18, 2016 (hlb)

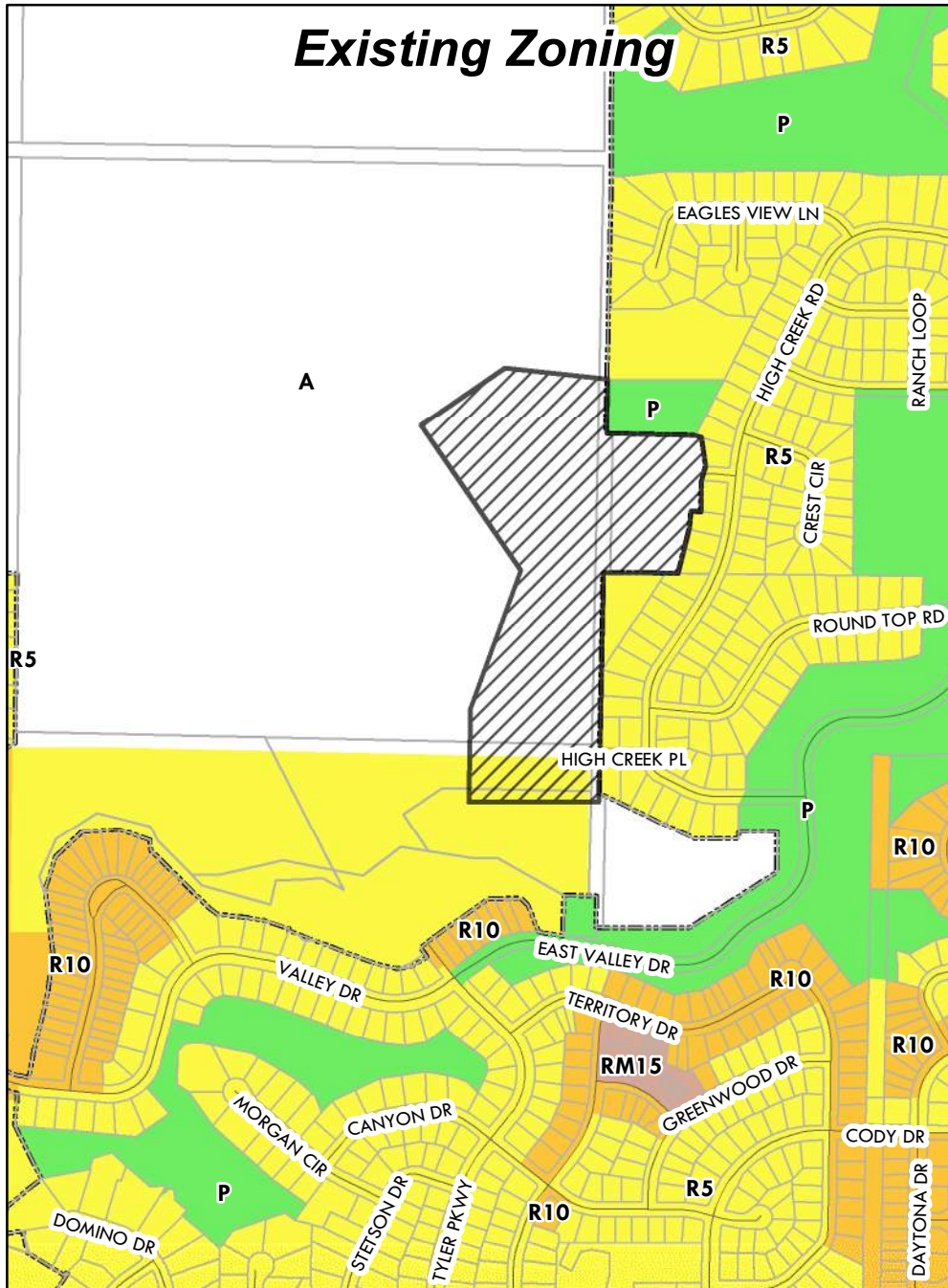
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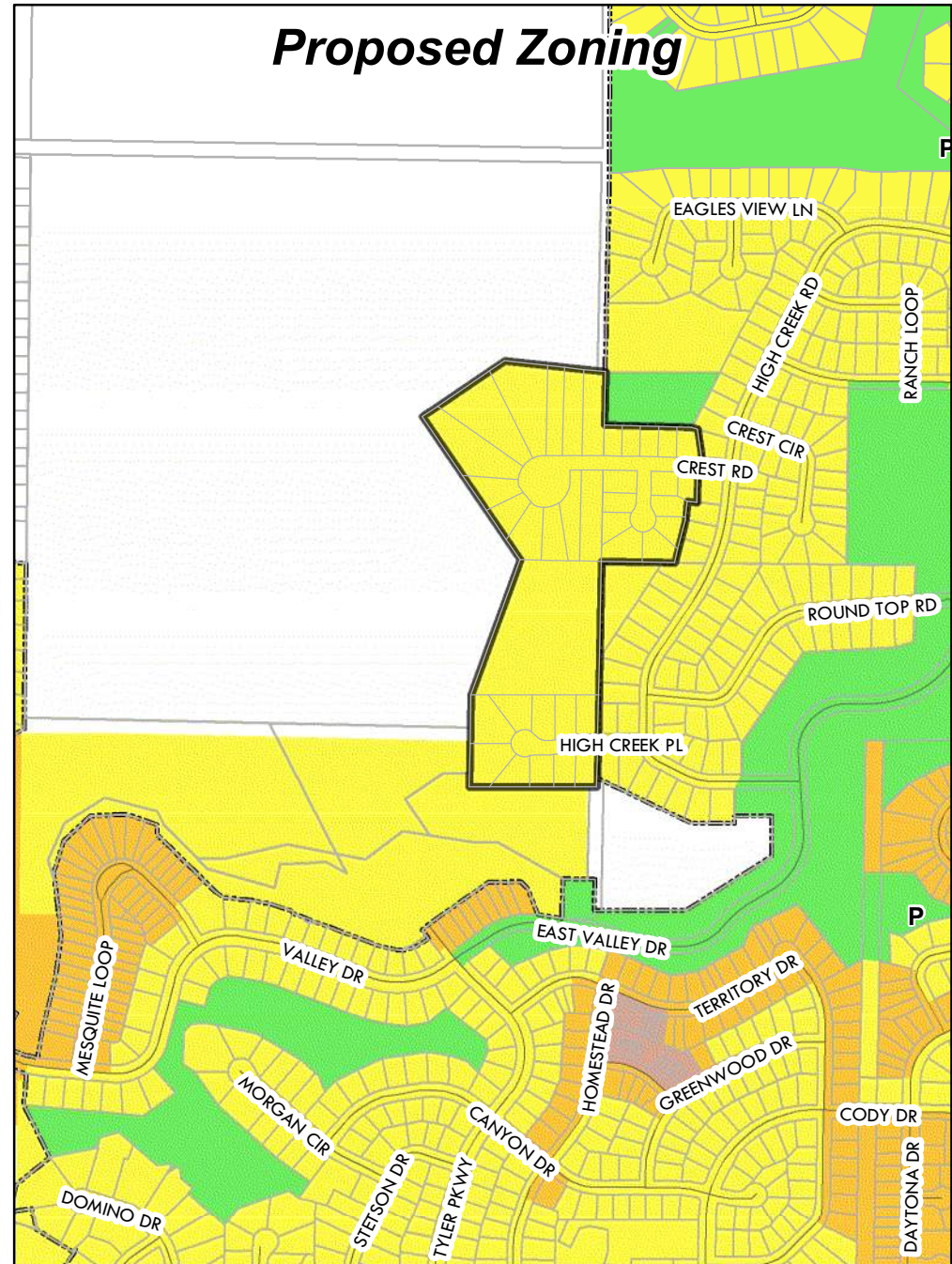



Eagle Crest 7th Addition - Zoning Change (A and R5 to R5)

Existing Zoning



Proposed Zoning



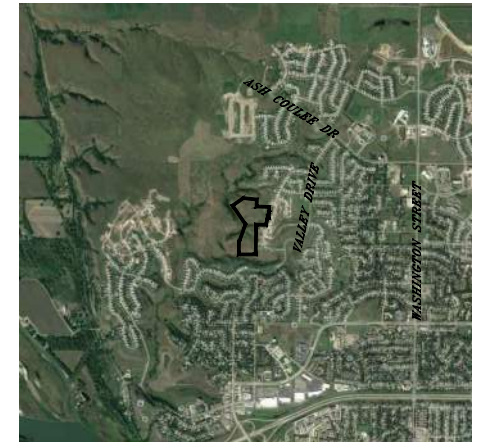
 City Limits  Extraterritorial Area



EAGLE CREST 7TH ADDITION

PART OF THE E 1/2 OF SECTION 19, TOWNSHIP 139 NORTH,
RANGE 80 WEST, TRACT 2-A OF THE NW 1/4 OF SECTION
20 TOWNSHIP 139 NORTH RANGE 80 WEST AND PART OF
THE NW 1/4 OF SECTION 20, TOWNSHIP 139 NORTH, RANGE
80 WEST

BISMARCK, NORTH DAKOTA



LOCATION MAP

31.4 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: R5

OWNER: TYLER COULEE, LLP
ADDRESS: 555 HIGHWAY 1804 NE
BISMARCK, ND 58503

OWNER: KNUTSON PROPERTIES, LLP
ADDRESS: 101 SLATE DRIVE
BISMARCK, ND 58503



0 100' 200'
SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

DECEMBER 7, 2016

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

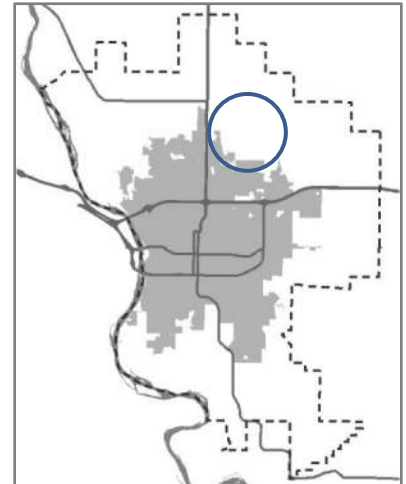
Agenda Item # 5
December 21, 2016

Application for: Zoning Change
Major Subdivision Final Plat

TRAKiT Project ID: ZC2016-019
FPLT2016-010

Project Summary

<i>Title:</i>	Eden's Subdivision
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	K & M Northland Properties (Lots 1-2) Jerry Hauff (Lots 3-7)
<i>Project Contact:</i>	Dave Patience, Swenson, Hagen & Co.
<i>Location:</i>	North of Bismarck, near the intersection of 41 st Street NE and 84 th Avenue NE, along the south side of 84 th Avenue NE, east side of Arcata Drive and west side of 41 st Street NE.
<i>Project Size:</i>	19.59 acres
<i>Request:</i>	Zone and plat property for future rural residential development.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	2 parcels	<i>Number of Lots:</i>	7 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Rural residential
<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential	<i>Designated GMP</i> <i>Future Land Use:</i>	Conventional Rural Residential
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

The proposed zoning change and plat are being requested for future single-family rural residential development. The Planning and Zoning Commission tentatively approved the preliminary plat for Eden's Subdivision at their meeting of September 28th, 2016. The requested rezoning was also considered during this meeting.

There is an existing single-family dwelling on Lot 3 and a 1,728 square feet accessory building on Lot 4 of the proposed subdivision. Staff has requested that Lots 3 and 4 be combined into one tax parcel after the plat is recorded in order for the property to conform with the zoning ordinance. The current accessory structure on Lot 4 of the proposed subdivision would be considered too large as currently constructed to meet Section 14-03-06 (1)(b)(5) of the City Code of Ordinances, which limits the size of accessory buildings built prior to a primary residential dwelling on lots in the RR-Residential zoning district to 1,200 square feet. The owner may split Lots 3 and 4 back into separate lots to construct a single-family dwelling on Lot 4 in the future.

The applicant has also indicated that Lot 5, 6 and 7 will be combined into one tax parcel, but may split the parcel into separate lots for future rural residential development.

The applicant has requested a waiver to allow the use of access easements to serve interior lots and provide a joint access. Staff is supportive of this waiver.

The proposed subdivision is located within the Urban Service Area Boundary (USAB) and the requirement to ghost plat or create underlying lots for future urban densities is required. The applicant requested a waiver from this requirement. Staff is supportive of the request as the Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as rural residential.

Required Findings of Fact | Land Use

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the

2014 Growth Management Plan, as amended;

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change, but the resolution has not yet been received;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission on September 28, 2016;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the

(continued)

- proposed final plat is not an urban subdivision with residential zoning districts;
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat, but the resolution has not yet been received;
 7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
 8. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
 9. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
 10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;

11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and approval of the final plat for Eden's Subdivision, including the granting of a waiver to allow the use of a private access easement and subject to the following condition:

1. Lots 3 and 4 be combined into one tax parcel because of the accessory building on lot 4.

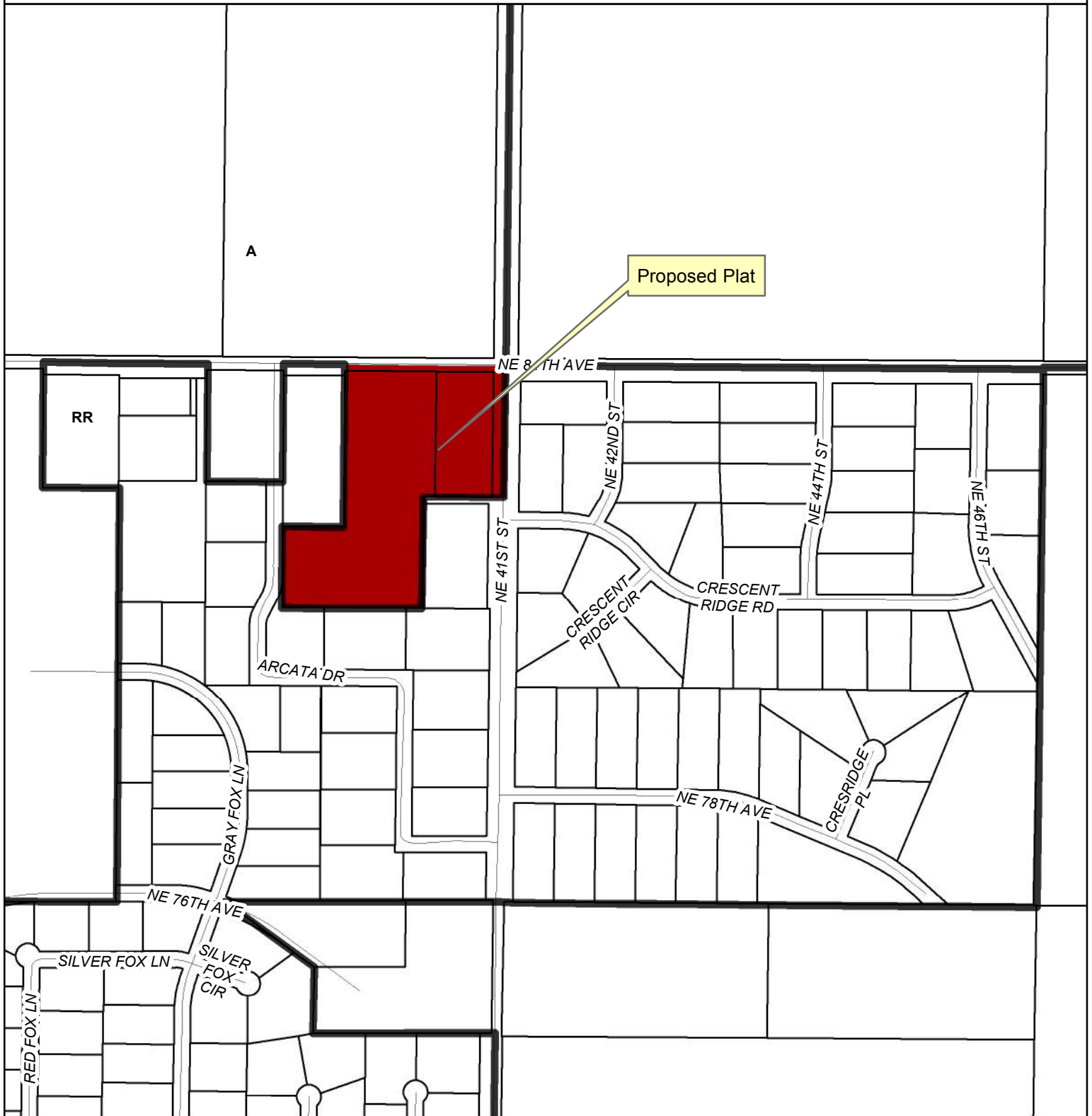
Attachments

1. Location Map
2. Zoning Map
3. Reduction of Final Plat
4. Reduction of Preliminary Plat

Staff report prepared by: Will Hutchings, Planner
701-355-1840 | whutchings@bismarcknd.gov

Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Plat and Zoning Change (A to RR) Eden's Subdivision



August 17, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 270 540 1,080 Feet



Eden's Subdivision

Existing zoning

A

RR

NE 84TH AVE

ARCATA DR

NE 41ST ST

NE 42ND ST

CRESCENT RIDGE RD

GRAY FOX LN

NE 78TH AVE

NE 76TH AVE

Proposed zoning

A

NE 84TH AVE

ARCATA DR

NE 42ND ST

CRESCENT RIDGE RD

GRAY FOX LN

NE 76TH AVE

RR

A to RR

DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 56 MINUTES 34 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 643.22 FEET TO THE BOUNDARY OF BURNS FIRST SUBDIVISION AND THE NORTH RIGHT OF WAY LINE OF 82ND AVENUE NE; THENCE NORTH 89 DEGREES 50 MINUTES 41 SECONDS WEST, ALONG SAID BOUNDARY AND SAID RIGHT OF WAY LINE, A DISTANCE OF 339.34 FEET; THENCE NORTH 89 DEGREES 28 MINUTES 56 SECONDS, CONTINUING ALONG SAID BOUNDARY AND SAID RIGHT OF WAY LINE, A DISTANCE OF 53.13 FEET; THENCE SOUTH 00 DEGREES 53 MINUTES 32 SECONDS WEST, ALONG THE BOUNDARY OF BURNS FIRST SUBDIVISION, A DISTANCE OF 551.26 FEET TO THE BOUNDARY OF SABOT'S FIRST SUBDIVISION; THENCE NORTH 89 DEGREES 53 MINUTES 41 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 687.25 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 12 SECONDS 12 SECONDS EAST, ALONG THE BOUNDARY OF LOT 1 BLOCK 3 SABOT'S FIRST SUBDIVISION, A DISTANCE OF 129.26 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 48 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF ARCATO DRIVE RIGHT OF WAY; THENCE NORTH 00 DEGREES 22 MINUTES 21 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 270.84 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 18 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 1 BLOCK 1 SABOT'S FIRST SUBDIVISION AND ITS WESTERLY EXTENSION, A DISTANCE OF 339.59 FEET TO THE EAST LINE OF SAID LOT 1; THENCE NORTH 00 DEGREES 26 MINUTES 15 SECONDS EAST, ALONG SAID EAST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 800.18 FEET TO THE NORTH LINE OF SAID NORTHEAST 1/4; THENCE SOUTH 89 DEGREES 34 MINUTES 45 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 790.63 FEET TO THE POINT OF BEGINNING. CONTAINING 19.59 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2016, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.
COUNTY OF BURLEIGH) 909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504
TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS DAY OF 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN
CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF, 2016.

ATTEST
KEITH J HUNKE - CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.
THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF, 2016.

BRIAN BITNER - CHAIRMAN
ATTEST
KEVIN J. GLATT - COUNTY AUDITOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "EDEN'S SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT JERRY HAUFF, DENISE HAUFF, AND K&M NORTHLAND PROPERTIES, LLC, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "EDEN'S SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA) JERRY HAUFF
COUNTY OF BURLEIGH) 2213 PEBBLE VIEW LOOP
BISMARCK, N.D. 58503
OWNERS, LOTS 1, 2, 5, 6, & 7 BLOCK 1

ON THIS DAY OF 2016, BEFORE ME PERSONALLY APPEARED JERRY AND LOGAN HAUFF, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA) K&M NORTHLAND PROPERTIES, LLC
COUNTY OF BURLEIGH) MICHAEL GOLDADE
1854 VALLEY DRIVE
BISMARCK, N.D. 58503
OWNER, LOTS 3 & 4 BLOCK 1

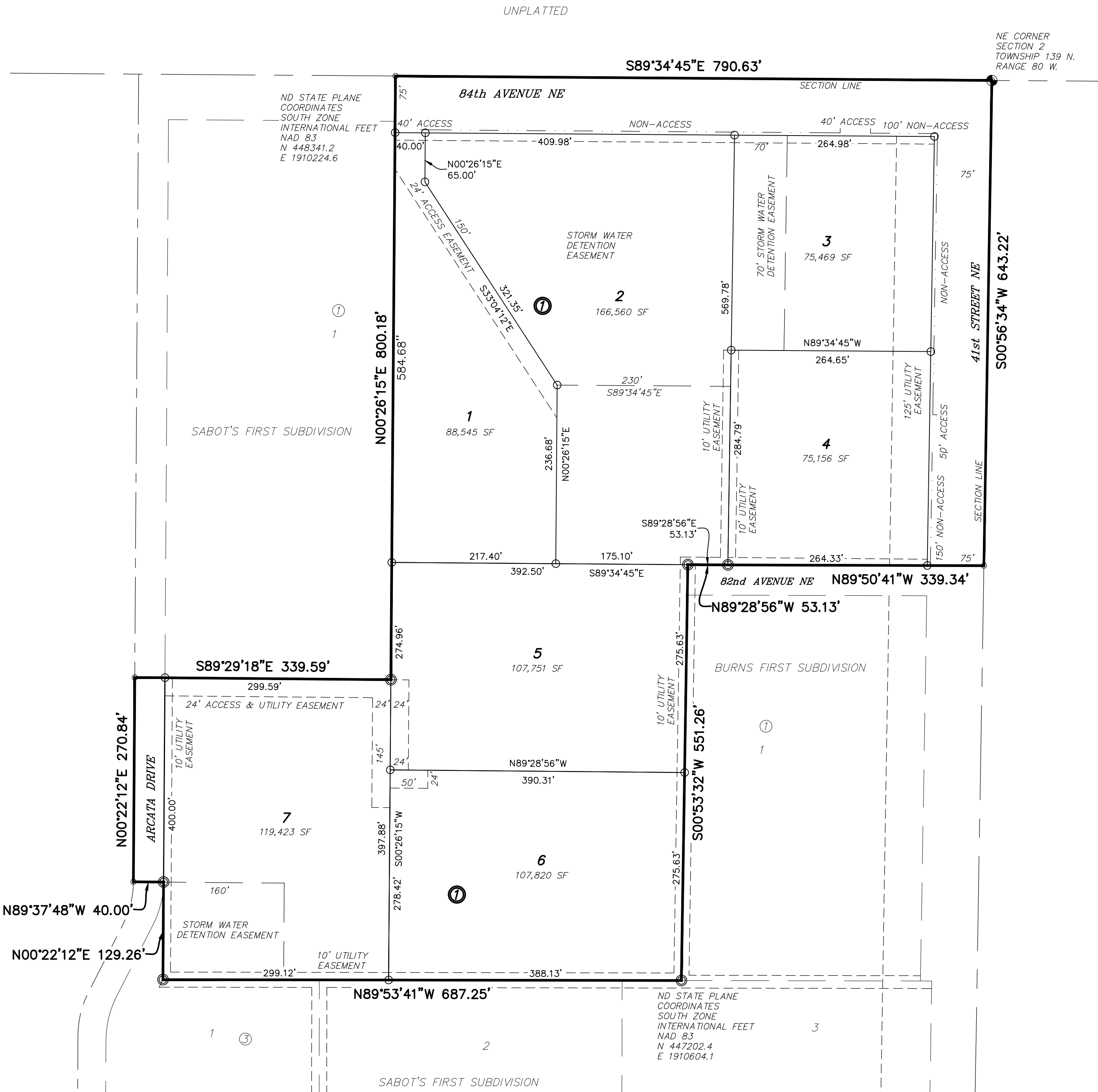
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

ON THIS DAY OF 2016, BEFORE ME PERSONALLY APPEARED MICHAEL GOLDADE OF K&M NORTHLAND PROPERTIES, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

EDEN'S SUBDIVSION

PART OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 80 WEST

BURLEIGH COUNTY, NORTH DAKOTA



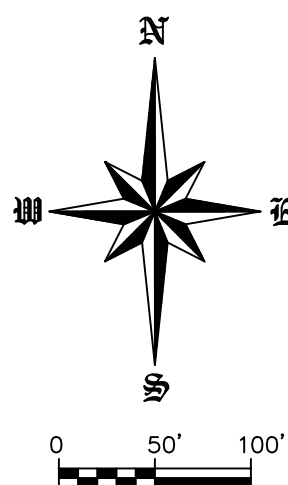
NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

BENCHMARK:
MPO MONUMENT 45-2
ELEV. 1847.96 (NAVD 88)



SCALE: 1"=100'

DECEMBER 7, 2016

MONUMENT IN PLACE

AREA DATA

LOTS	760,206 S.F.	17.45 ACRES
STREETS	93,254 S.F.	2.14 ACRES
TOTAL	853,460 S.F.	19.59 ACRES

NOTE: RESTRICTED USE ON STORM WATER EASEMENT
STORM WATER EASEMENTS ARE CONSTRUCTED TO COLLECT, STORE, CONVEY, AND/OR TREAT STORM WATER RUNOFF. THEY ARE CONSTRUCTED TO PREVENT OR LIMIT FLOOD DAMAGE AND ENVIRONMENT IMPACTS TO PROPERTIES BOTH WITHIN AND OUTSIDE OF THE PLAT.
PROPERTY OWNERS SHALL NOT PLACE ANY TYPE OF FILL MATERIAL OR MAKE ANY ALTERATIONS TO THE PERMANENT VEGETATED COVER ON THE EASEMENT (NO OPEN TILLED SOIL AREAS WILL BE ALLOWED.) THEY SHALL NOT PLANT ANY TREES OR SHRUBS WITHIN THE EASEMENT WITH THE INTENT TO SCREEN OR PROVIDE A SNOW SHELTER BELT. INDIVIDUAL TREES AND SHRUBS MAY BE PLANTED WITHIN THE EASEMENT WITH THE PRIOR APPROVAL OF THE COUNTY ENGINEER. PROPERTY OWNERS SHALL NOT CONSTRUCT ANY TYPE OF STRUCTURE (INCLUDING GARAGES, OUTBUILDINGS, SHEDS, DRIVEWAYS, PARKING PADS, LANDSCAPING, GARDENS, AND SEPTIC FIELDS) OR OTHER FEATURES THAT INTERFERES WITH THE INTENDED USE OF THE STORM WATER EASEMENT.



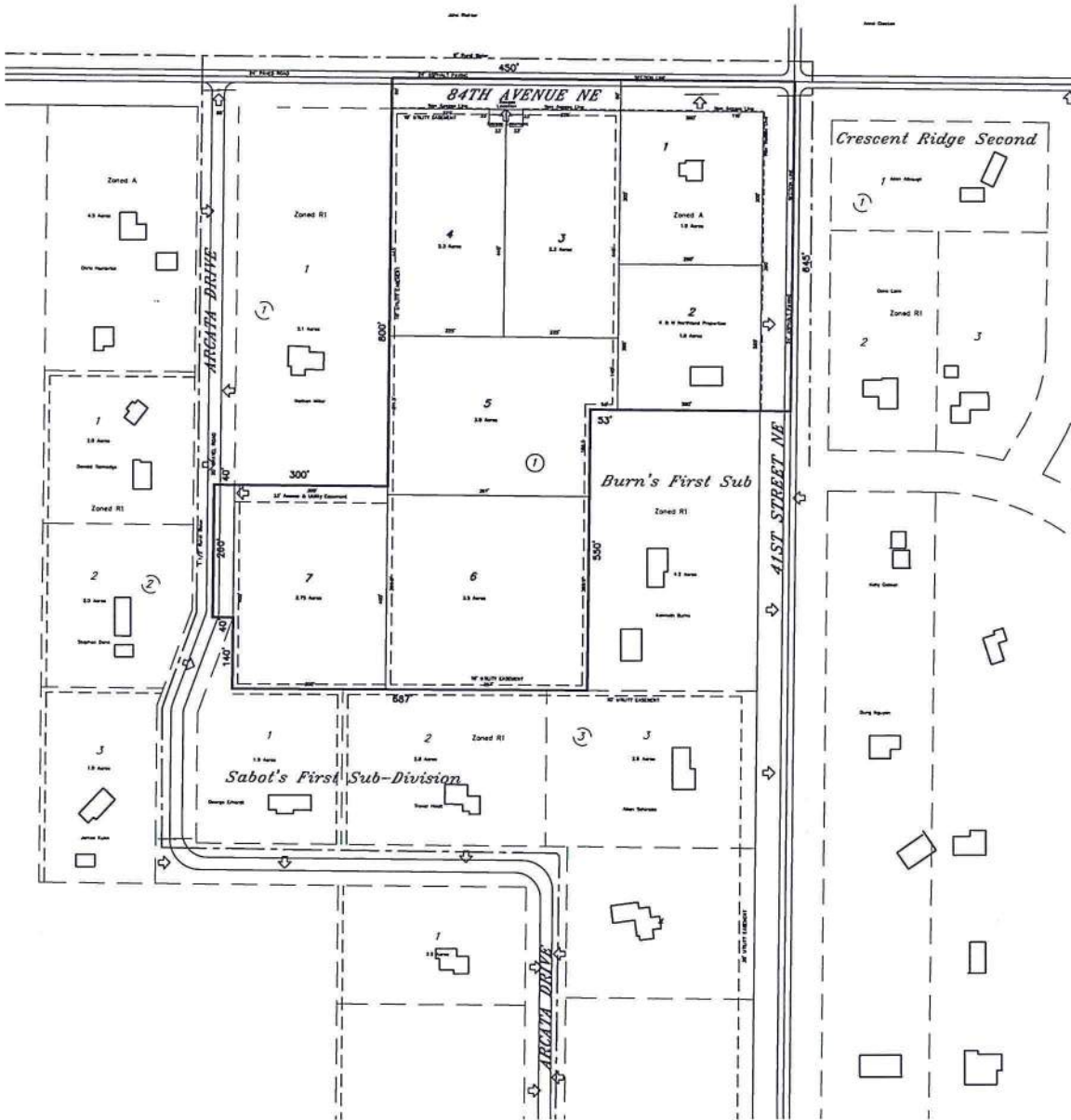
SWENSON, HAGEN & COMPANY P.C.

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606

EDEN'S SUBDIVISION

PART OF THE NORTHEAST 1/4 OF SECTION 2, T 139 N, R 80 W
HAY CREEK TOWNSHIP
BURLEIGH COUNTY, NORTH DAKOTA



SCALE: 1"=100'
AUGUST 26, 2016

○ WORKMAN TO BE SET
● WORKMAN IN PLACE

NOTES

BASE OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY OF BISMARCK
COORDINATE SYSTEM
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
HAS ALL SOUTH ZONE
ADJUSTMENT OF 1983
UNITED STATES NATIONAL FEET
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

RECORDING:
BOOK 1007
PAGE 1007
NORTHEAST CORNER OF LOT 9 BLOCK 1
BISMARCK VALLEY SUBDIVISION
ELEV. 1645.15 (DASH 80)

AREAS

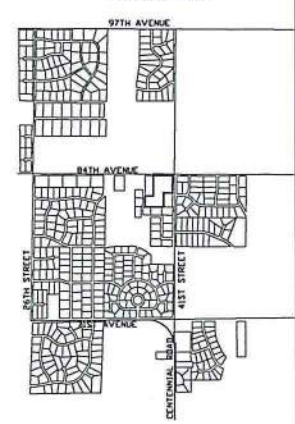
LOTS	18.8 ACRES
UNDEVELOPED	1.0 ACRES
TOTAL	19.8 ACRES

OWNER LOTS 3-7:
JERRY HAUFF
2213 PEBBLEVIEW LOOP
BISMARCK ND 58503

OWNER LOTS 1-2:
K & M NORTHLAND PROPERTIES
1854 VALLEY DRIVE
BISMARCK ND 58503

SURVEYOR:
SWENSON, HAGEN & CO.
909 BASIN AVENUE
BISMARCK ND 58504

LOCATION MAP



NOTE:
THE OWNER OF LOTS 5-8-7 INTENDS TO COMBINE
LOTS 5, 6 & 7 INTO ONE PARCEL FOR HIS USE
AS A BUILDING SITE AT THIS TIME.
HE IS AWARE THAT A BUILDING PERMIT WILL BE ISSUED
ON ONE OF THE 3 LOTS
TO PREVENT A REPLAT IN THE FUTURE THESE LOTS
ARE PLATTED AS 3 SEPARATE SITES WITH A PRIVATE
DRIVE FOR ACCESS TO LOTS 5 & 6.

NOTE:
THE WATER SERVICE AGREEMENT BETWEEN THE CITY
OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER
DISTRICT WILL ALLOW THE PROVISION OF WATER
SERVICE TO EDEN'S SUBDIVISION FOR A PERIOD OF 3
YEARS AND SUBSEQUENT TO THAT TIME, THE CITY MAY,
UPON A ONE YEAR NOTICE, REQUIRE SOUTH CENTRAL
REGIONAL WATER DISTRICT TO DISCONTINUE WATER
SERVICE IF CITY WATER SERVICE IS AVAILABLE.



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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

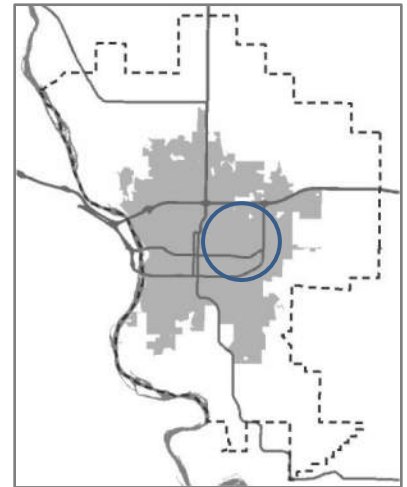
Agenda Item #6
December 21, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-021

Project Summary

<i>Title:</i>	Lots 7-12, Block 37, Governor Pierce Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Neuberger Holdings, LLC.
<i>Project Contact:</i>	Ken Nysether, PE, SEH Engineering
<i>Location:</i>	In central Bismarck, in the northwest quadrant of the intersection of East Thayer Avenue and North 24 th Street.
<i>Project Size:</i>	22,500 square feet
<i>Request:</i>	Rezone property to bring existing non-conforming use into compliance and allow for the expansion of an existing warehouse use (Chesak Seed).



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel in 1 block	<i>Number of Lots:</i>	1 parcel in 1 block
<i>Land Use:</i>	Warehouse	<i>Land Use:</i>	Warehouse
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density Allowed:</i>	CG – 42 units / acre	<i>Max Density Allowed:</i>	MA – N/A

Property History

<i>Zoned:</i>	04/1959	<i>Platted:</i>	08/1887	<i>Annexed:</i>	Pre-1980
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Staff Analysis

The applicant has requested a zoning change from the CG – Commercial zoning district to the MA – Industrial zoning district in order to bring an existing non-

conforming use, Chesak Seed warehouse, into compliance with zoning and allow for the expansion of the existing warehouse and addition of a retail space for the facility.

(continued)



The proposed zoning change is located within an area of the community that has a mix of commercial and industrial uses. Adjacent land uses include an existing warehouse zoned CG – Commercial to the north, a manufactured home park with single-family uses to the east across North 24th Street, industrial uses to the south across East Thayer Avenue, and the Ruth Meier's Hospitality House's Men's Emergency Shelter to the west.

Required Findings of Fact | Land Use

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning

classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

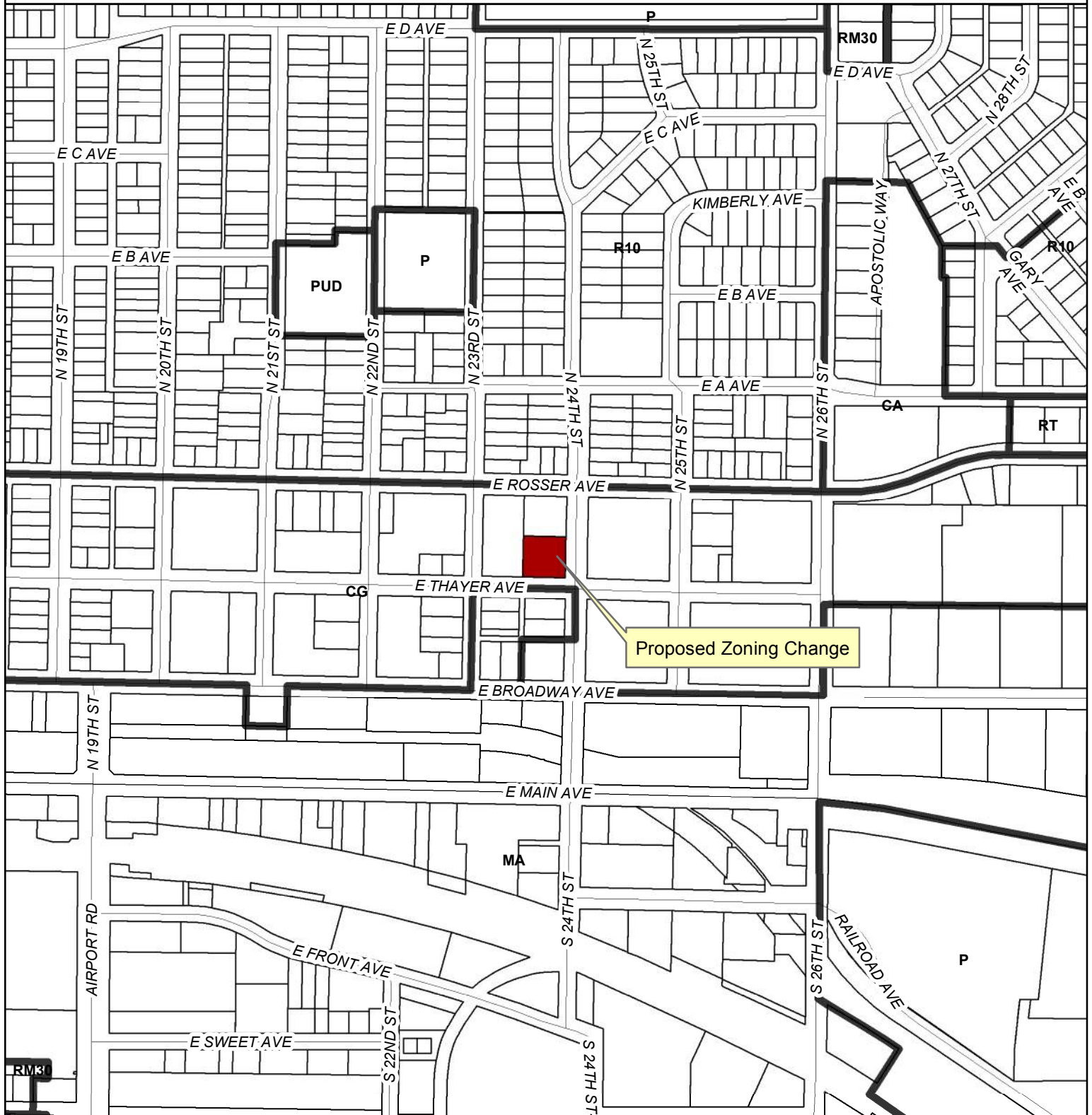
Based on the above findings, staff recommends approval of the zoning change from the CG – Commercial zoning district to the MA – Industrial zoning district for Lots 7-12, Block 37, Governor Pierce Addition.

Attachments

1. Location Map
2. Zoning Map

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Zoning Change (CG to MA) **Lots 7-12, Block 37, Governor Pierce Addition**

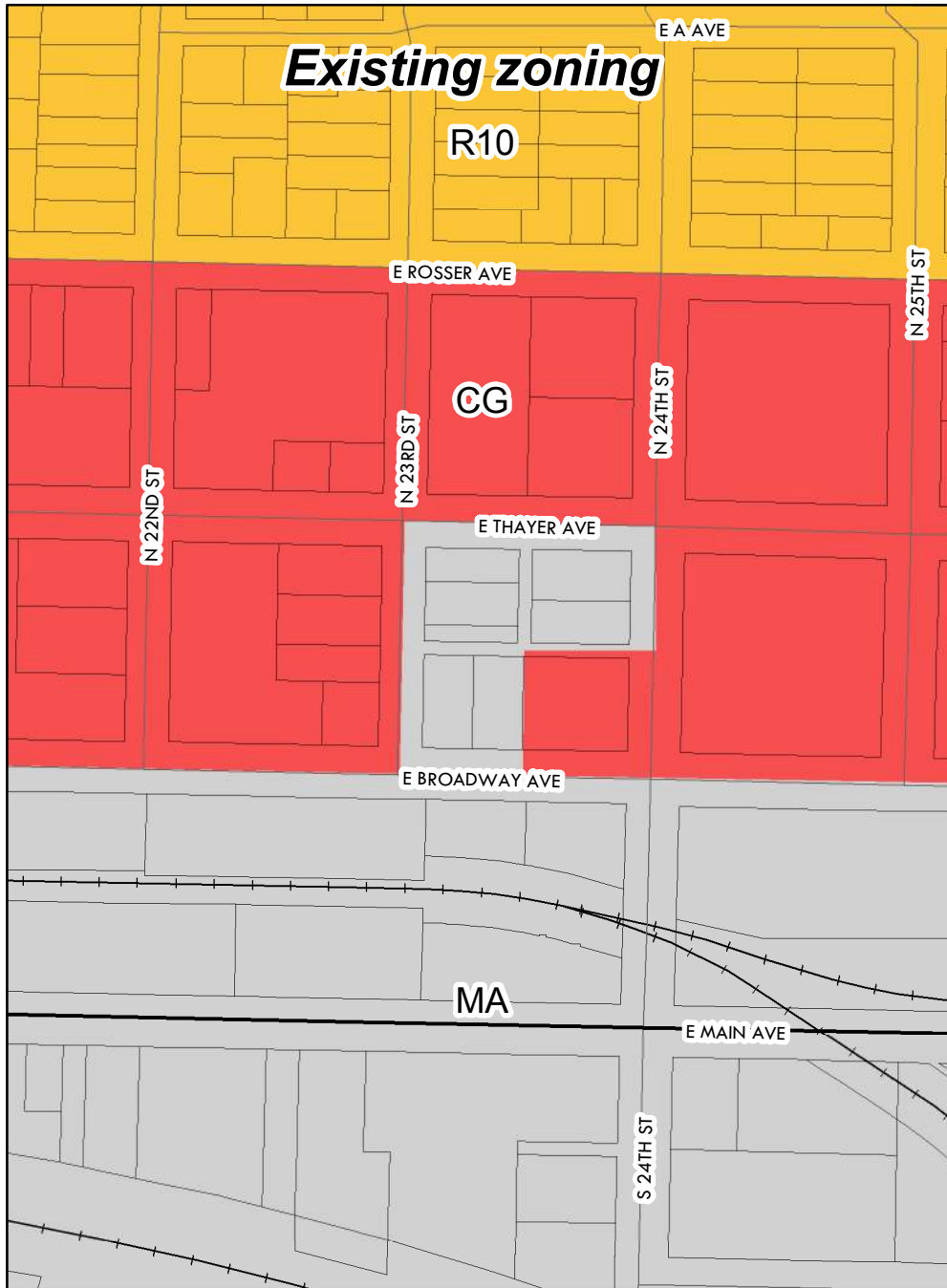


October 10, 2016 (hlb)

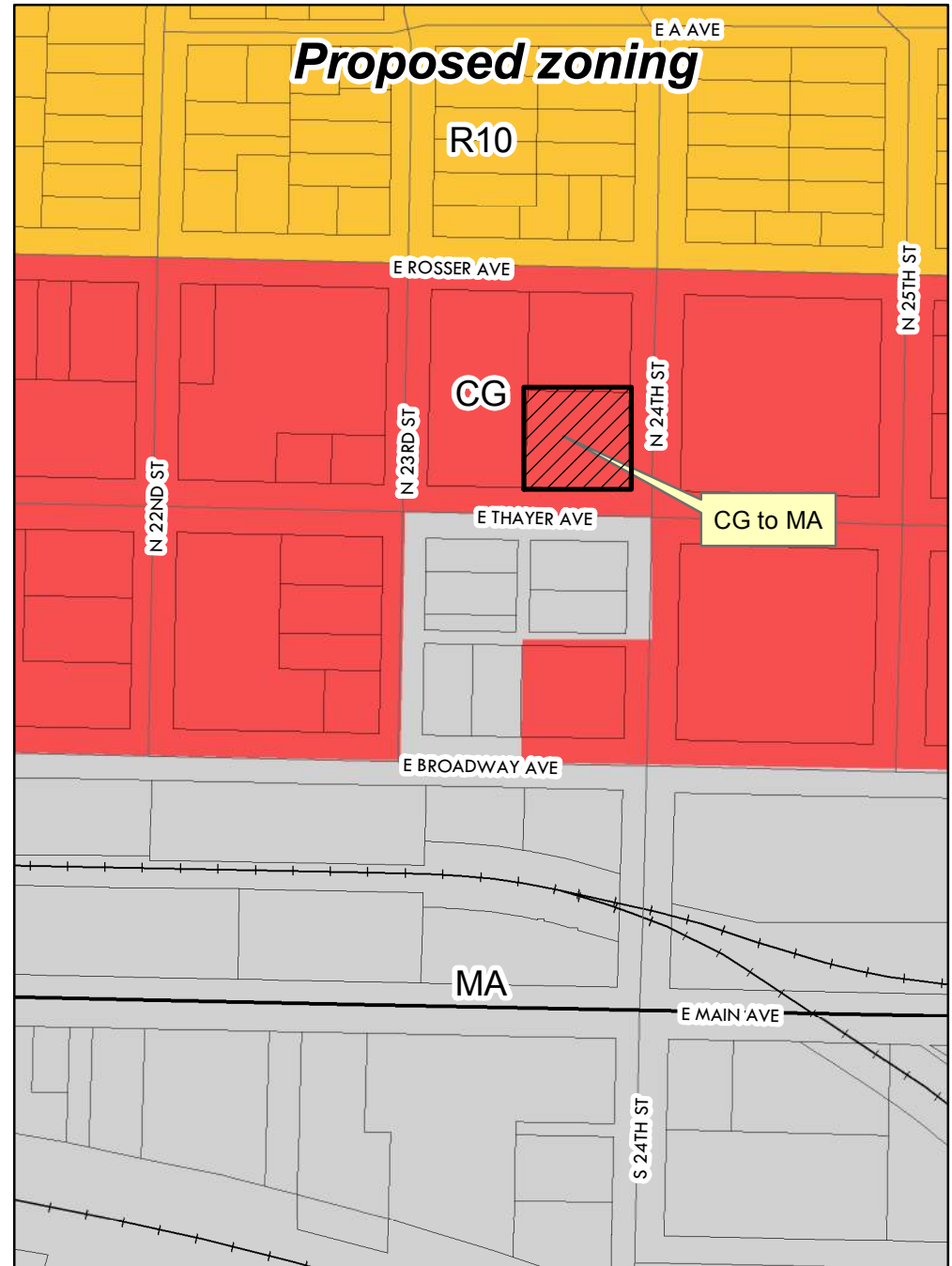
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Lots 7-12, Block 37, Governor Pierce Addition

Existing zoning



Proposed zoning





Application for: Special Use Permit - Amendment

TRAKiT Project ID: SUP2016-005

Date: December 16, 2016

From: Jenny Wollmuth, CFM, Planner

Request: Special Use Permit – Amendment (Motor Vehicle Parts Salvage Yard) – CK Auto, Inc. (Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the Easterly 920 feet and less the North 40 feet of the West 405 feet taken for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition)

Chris Krein, CK Auto, Inc. is requesting approval of an amendment to a special use permit to extend the deadline for removal of all encroachments into the public rights-of-way, drainage ways, and the floodway from January 1, 2017 to June 30, 2017.

The applicant has indicated in the attached narrative that they are unable to comply with the requirement outlined in condition number 1, which requires the removal of all encroachments into the public right-of-way, drainage ways, and the floodway no later than January 1, 2017.

The Planning and Zoning Commission, at their meeting of July 27, 2016, granted approval of a special use permit to operate a motor vehicle parts salvage yard for properties associated with CK Auto, Inc. (3405 East Divide Avenue, 1700 Channel Drive, and 1601 Channel Drive) with the following seven conditions:

1. All encroachments into the public right-of-way, drainage ways, and the floodway must be removed no later than January 1, 2017.
2. All storage and salvage operations must be conducted within an enclosed building or within an area enclosed on all sides with an opaque wall or fence not less than eight (8) feet in height.
3. The required wall or fence must be set back at least fifteen (15) feet from the property lines of those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way.
4. All sites must be sufficiently cleared to provide adequate Fire Department access to all portions of existing and proposed buildings located on properties associated with CK Auto, Inc.
5. A completely and permanently landscaped setback strip of at least fifteen (15) feet must be installed around those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way. All areas between the property line and the required wall or fence shall be landscaped and a buffer yard shall be installed



where required in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). In addition, the owner shall be responsible for providing, protecting and maintaining all landscaping materials in a healthy growing condition.

6. A site plan demonstrating the above conditions must be submitted for approval prior to the applicant continuing site development on any of the sites associated with CK Auto, Inc.
7. The applicant must meet with City staff to establish a defined timeline as to when the properties associated with CK Auto, Inc. will be in compliance with the City Code of ordinances.

The approval of the special use permit has legitimized the existing motor vehicle parts salvage yard located on Lot 1A, allowed the applicant to begin relocating salvage operations and storage of salvaged vehicles to Lot 2 (1601 Channel Drive), and has created the additional space needed on Lots 1A and 1B (3405 East Divide Avenue and 1701 Channel Drive) to comply with provisions of the City Code of Ordinances and resolve existing violations.

The applicant received approval of a site plan (SP2016-018) for Lot 2 (sites 2A and 2B) on August 8, 2016. Changes made by the applicant to the approved site plan and storm water management plan were approved by the City Engineer on September 30, 2016. Development on Lot 2 (sites 2A and 2B) has begun and, based on the approved site plan, the site will comply with conditions two through seven of the approval of the operation of a motor vehicle parts salvage yard as approved by the Bismarck Planning Commission. A site plan indicating the conditions for approval for Lots 1A and 1B including the relocation of the encroachments in public right-of-way, drainage ways, and the floodway has been submitted as a part of the proposed amendment request.

The applicant has submitted a narrative outlining the progress made to Lot 2 (sites 2A and 2B) and Lot 1B. The narrative also explains the need for the proposed amendment and includes a general timeline for full compliance. The applicant has indicated that the encroachments located within the floodway on Lot 1A will be removed no later than June 30, 2017. A copy of the narrative is attached.

The City of Bismarck Floodplain Administrator has notified the State NFIP Coordinator of this request and, if approved, has explained that the City will continue their efforts with the applicant to achieve compliance.

Attachments:

1. Narrative (December 2016)
2. SUP approval letter (August 2016)
3. Staff report packet (July 2016)

CK Auto Update

On August 15th, the first bucket of dirt was disturbed and has been marked as the first day of operations on our expansion project of Lots 2A and B

Today is November 27th. Mother Nature has definitely been on our side, allowing us significant time to make major, functional improvements to the property.

The property has been graded, the fence has been installed, enclosing the entire property. Crushed concrete hauled in for fire access inside the fence. The 420 yards of concrete Retail Sales parking has been laid. The landscape has been started with 21 14-16' Blue Spruce Pine trees that were brought in.

The Fence and all contents originally located on Lot 1B has been removed. Finally as of November 21st, Unlimited Excavating had finished installing the water and storm sewer and 3 Fire Hydrants along the portion of Channel Dr that is going to be finished next spring.

We have been diligently working 15+ hours per day, 7 days per week over the past three and a half months to get this project to where it is at and we have no intention of stopping. This Expansion is very crucial to CK Auto.

There has been a proposed completion date of January 1, 2017. Unfortunately, though there has been major headway on the project, we do not foresee the project being completed in full by that date.

We still have to move some Inventory out of the fence located in the Floodway. The Containers in that fence need to be emptied of inventory and moved as well.

All of these things will be worked on for the duration of our winter days when all possible. However, the things needing to be done in these final phases are more intricate as it involves thousands and thousands of inventoried parts with strategic locations. We can not lose these parts in the move. Therefore the move is going to be slower. We do have a plan in place for the move, there have been additional door racks that have been ordered so we can move from one area to the other.

As far as a foreseeable completion date, based on what we are thinking these final phases will entail to get done we are requesting the date of completion to be around the same date that we talked with Planning and Zoning about in regards to the Completion of Channel Dr next Spring. My estimated completion time is June 30th, 2017.

Below I have listed the items that still need to be completed. I have listed them in order of completion and approximate time it will take us to complete each phase. We will continue to work on completing each of these phases throughout the winter months as temperatures and snow conditions allow us. By May 15 2017 we hope that we will be in the final stages of what is left of completing the project in full. Typically we may see some weather hiccups but by then we should be able to be working full time on the completion.

Updated timeline for completion of north lot, I really thought we were going to complete everything until the snow hit we were very fortunate for the late fall which allowed way more progress than I originally expected was going to happen. There are still things that are happening that cannot be easily seen from outside the fence we are moving smaller pieces of inventory from the removal area and processing the units inside the north fence for final recycling.

FINAL PROJECT COMPLETION PHASES:

1. We need to move all existing door racks and bumper racks on the asphalt area between both buildings to make room for storage containers on upper level currently under 8 feet of snow. Approximately 2 weeks to complete this will put us at the beginning of June.
2. Move all semi van trailers between buildings they are used for storage of removed recycled wiring and aluminum components. 1 day to move trailers and relocate to south yard.
3. Assemble new door, wheel, and bumper racks where recycle trailers were parked. Approximately 3 weeks to complete
4. Prep new area for transfer of storage containers. 1 week when snow melts and ground unthaws. Should be completed by the end of May.
5. Already have hired CJ crane service (200)ton crane to move containers out of Floodway. Approximately 2 days to complete transfer once area is prepped and ready.
6. Replace sections of old fence that were removed when permission was granted to fence Floodway area. Approximately 1 week to complete security fence. Need thawed ground should be completed by the end of May.
7. Remove fence from Floodway once all components are removed and security fence is completed on top of slope. 1 week completion end of June.
8. Move chain link fence between north and south building adjoining channel drive and set back 15' from property line approximately 1 week to complete but will be completed along with other tasks. Same color and style as south fence will be used 8' high privacy. See attached site plan

We hope that you find this satisfactory and are as excited and pleased with the progress that has been made on this project as we are.

Thank you take care everyone and Happy Holidays!...

Chris and Sara Krein
CK Auto, Inc

"Rebuild, Repair, Recycle...Build a Better World"



Community Development Department

CERTIFIED MAIL

August 2, 2016

Chris Krein
3405 Global Drive
Bismarck, ND 58501

Dear Mr. Krein:

Please be advised that the Bismarck Planning & Zoning Commission, at its meeting of Wednesday, July 27, 2016, approved your request for a special use permit for a motor vehicle parts salvage yard to be located on Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the easterly 920 feet and less the north 40 feet of the west 405 feet taken for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition, with the following conditions:

1. All encroachments into the public right-of-way, drainage ways, and the floodway must be removed no later than January 1, 2017.
2. All storage and salvage operations must be conducted within an enclosed building or within an area enclosed on all sides with an opaque wall or fence not less than eight (8) feet in height.
3. The required wall or fence must be set back at least fifteen (15) feet from the property lines of those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way.
4. All sites must be sufficiently cleared to provide adequate Fire Department access to all portions of existing and proposed buildings located on properties associated with CK Auto, Inc.
5. A completely and permanently landscaped setback strip of at least fifteen (15) feet must be installed around those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way. All areas between the property line and the required wall or fence shall be landscaped and a buffer yard shall be installed where required in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and

221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarcknd.gov



Building Inspections Division • Phone: 701-355-1465 • Fax: 701-258-2073 Planning Division • Phone: 701-355-1840 • Fax: 701-222-6450

Screening). In addition, the owner shall be responsible for providing, protecting and maintaining all landscaping materials in a healthy growing condition.

6. A site plan demonstrating the above conditions must be submitted for approval prior to the applicant continuing site development on any of the sites associated with CK Auto, Inc.
7. The applicant must meet with City staff to establish a defined timeline as to when the properties associated with CK Auto, Inc. will be in compliance with the City Code of Ordinances.


Please contact the Community Development Department – Planning Division to schedule an appointment to meet with City staff to develop a defined timeline when all properties associated with CK Auto, Inc. will be in compliance with the City Code of Ordinances.

The Bismarck Planning & Zoning Commission approval process has been completed and you may proceed with your project. Please be reminded that the following items are also required prior to grading or construction activities:

1. Approval of your submitted site plan by the City Engineer.
2. A floodplain development permit must be obtained from the Building Inspections Division prior to any development in the Special Flood Hazard Area (SFHA), including the floodplain and floodway. A floodplain development permit is attached for your convenience. Please contact the Building Inspections Division at 355-1465 for additional information regarding the application process.

If you have any questions or need any additional information on this request, please contact me, the planner in our office assigned to this request, at 355-1845.

Sincerely,



Jenny Wollmuth
Planner

JW/hlb

cc: Jason Petryszyn – Swenson, Hagen & Co.

Attachment: Floodplain Development Application



FLOODPLAIN DEVELOPMENT APPLICATION

PROPERTY INFORMATION:

Address of Property:

Legal Description:
(lot, block, subdivision)

APPLICANT:

Name:

Phone number:

Email address:

PROPERTY OWNER:

Name:

Phone number:

Email address:

TYPE OF DEVELOPMENT (check all that apply):

Activity:

- ☐ New structure
- ☐ Addition
- ☐ Alteration
- ☐ Replacement
- ☐ Removal / Demolition
- ☐ Remodel / Renovation
- ☐ Other (please specify):

Activity:

- ☐ Single-family residential
- ☐ Two-family residential
- ☐ Multi-family residential
- ☐ Manufactured home
- ☐ Combined use
- ☐ Non-residential
- ☐ Other (please specify):

Activity:

- ☐ Placement of fill
- ☐ Grading
- ☐ Excavation
- ☐ Installation of utilities
- ☐ Subdivision (new or expansion)
- ☐ Stormwater/drainage improvement
- ☐ Other (please specify):

PROJECT DISCRIPTION:

Describe **in detail** work being done:

FLOODPLAIN DETERMINATION:**Development will occur in the following:**

- ☐ SFHA (100-year floodplain)
☐ Regulatory Floodway

Flood map information:

FIRM Index Date and Map/Panel Number

Flood Zone:

Base Flood Elevation (BFE) at development site (1988 DATUM):

Development will be elevated to (1988 DATUM):

ADDITIONAL INFORMATION REQUIRED:	Submitted	N/A
1. A site plan drawn to scale showing the nature, location, dimensions, and elevations of the area in question including 1-foot contour lines; existing or proposed structures, fill storage materials, drainage facilities and the delineation of SFHA, including floodway boundaries, flood zones and BFE's (required with all applications).		
2. Certification by a registered professional engineer that the floodproofing methods for any non-residential structure meet the floodproofing criteria in section 14-04-19 of the City Code of Ordinances (required with all applications involving floodproofing of non-residential buildings).		
3. Certification by a registered professional engineer demonstrating that encroachments; including; fill, new construction, substantial improvements, and other development shall not result in any increase in flood levels during the occurrence of a base flood discharge or 100-year flood as required in Section 14-04-19 of the City Code of Ordinances (required with all applications in the floodway).		
4. Substantial Improvement Determination Form (required for an addition or alteration to an existing structure located within the SFHA)		
5. Elevation Certificate (required for all development including a structure).		
6. Certification of fill form (required when structural fill is placed within an identified SFHA or floodway).		

Signature_____
Date:

NOTE: Approval of this Floodplain Development Permit Application by the City of Bismarck does not eliminate your need to comply with other State and Federal guidelines and requirements.



CERTIFICATE OF FILL PLACEMENT

PROPERTY INFORMATION:

Project Name:

Legal Description (lot, block, subdivision):

Street address of property:

PROPERTY OWNER/ CONTRACTOR/DESIGN PROFESSIONAL

Name:

Mailing address:

Phone number:

Email Address:

FILL INFORMATION:

The fill is:

Existing

Proposed

All fill placed in the Special Flood Hazard Area (SFHA) must be suitable for its intended use. The design and construction of the fill material used should consider, but not be limited to, the following: Consolidation of the fill layers and underlying soil layers considering the fill material and proposed structures; differential settlement due to the variations in fill composition and characteristics; the permeability of the soil and its effects on any structures built on the site; slope stability; and erosion control. If fill is placed to raise the floor elevation of a building to an elevation at or above the base flood elevation (BFE), it is recommended that the fill extend as far as possible beyond the exterior walls of the building before it drops below the BFE to provide an increased factor of safety for the building and its residents. This certification is to be signed by the property owner, contractor, or design professional in responsible charge; acting as the owners agent.

I

hereby certify that fill has been placed in the Special Flood Hazard Area (SFHA) and meets the criteria listed below. For proposed fill, I hereby certify that fill will be designed and placed in accordance with the following criteria:

1. The fill has been placed in lifts with each lift compacted to at least 95 percent of its maximum density obtainable with the standard proctor test method or an equivalent method designed and certified by a registered soils engineer (check one of the following):
 - a. ☐ Fill pads prepared for the foundations of residential or commercial structures. (Note: Fill pads must be indicated on site plan).
 - b. ☐ Entire legally defined parcel (Note: if the location of fill pads has not been determined, the fill over the entire legally defined parcel must be compacted to the above criteria).
2. The side slopes of the fill are not steeper than 1 on 1.5 (vertical / horizontal). Structural fill, including side slopes, have been protected from scouring and erosion under flood conditions up to and including the Base Flood Elevations (BFE).



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 12

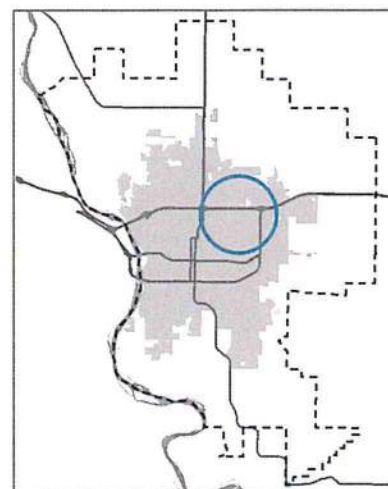
July 27, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2016-005

Project Summary

Title:	Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the Easterly 920 feet and less the North 40 feet of the West 405 feet taken for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Chris Krein, CK Auto
Project Contact:	Jason Petryszyn, Swenson Hagen & Co.
Location:	In east Bismarck, along East Divide Avenue west of Bismarck Expressway. The request includes three parcels located in east Bismarck on either side of East Divide Avenue: north of East Divide Avenue at the intersection with and west of Channel Drive (3405 East Divide Avenue); south of East Divide Avenue at the intersection with and east of a southerly extension of Channel Drive; and south of East Divide Avenue at the intersection with and west of a southerly extension of Channel Drive.
Project Size:	9.04 acres, more or less
Request:	Approval of a special use permit for a motor vehicle parts salvage yard.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	Number of Lots:	3 parcels
Land Use:	Motor vehicle parts salvage yard	Land Use:	Motor vehicle parts salvage yard
Designated GMP	Not Applicable	Designated GMP	Not Applicable
Future Land Use:		Future Land Use:	
Zoning:	MA – Industrial	Zoning:	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos, and motor vehicle parts salvage yard by special use	Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos, and motor vehicle parts salvage yard by special use

Max Density
Allowed: MA – N/A

Max Density
Allowed: MA – N/A

Property History

Zoned: Pre-1980 Platted: 09/1975 Annexed: Pre-1980

Staff Analysis

The Bismarck Planning Commission, at their meeting of June 22, 2016, continued action for the proposed special use request to allow the owner and consulting engineer time to prepare a more detailed action plan, in addition to the narrative that was submitted with the application, that includes a timeline outlining when the properties associated with CK Auto, Inc. will comply with the requirements of the City Code of Ordinances. An updated narrative outlining CK Auto, Inc.'s business operations and proposed time-frame for compliance of existing violations has been submitted and is attached for your review.

The applicant is requesting approval of a special use permit to operate a motor vehicle parts salvage yard for properties associated with CK Auto, Inc. (3405 East Divide Avenue, 1700 Channel Drive, and 1601 Channel Drive). A motor vehicle parts salvage yard is allowed as a special use in the MA – Industrial zoning district provided conditions outlined in Section 14-03-08(4)(h) are met. A copy of this section is attached.



A special use permit would legitimize the existing use of the properties associated with CK Auto, Inc. and allow the relocation of the salvage operations and storage to Lot 2 (1601 Channel Drive), which would create the additional space needed on Lots 1A and 1B (3405 East Divide Avenue and 1701 Channel Drive) to comply with provisions of the City Code of Ordinances and to separate differing aspects of the applicants business on separate parcels.

Current Operations

The applicant purchased Lot 1A and Lot 1B (3405 East Divide Avenue and 1700 Channel Drive) in 1995. According to the applicant, the properties were initially intended to be used for auto body repair and sales. However, over the years and in response to industry demands, the properties have transformed into what is considered to be a motor vehicle parts salvage yard. The applicant purchased Lot 2 (1601 Channel Drive) in 2015 in order to expand his business.

A number of complaints, dating back to 1999, regarding abandoned or wrecked vehicles parked within the public right-of-way and or outside the required fencing have been received by various departments and divisions within the City of Bismarck. Over the years requests were made of the applicant to bring the properties associated with CK Auto, Inc. into compliance.

A notice and order was sent to the applicant in July 2000 regarding the operation of a Motor Vehicle Parts Salvage Yard without the approval of a special use permit and the placement of fill materials in the Hay Creek floodway without a development permit. A copy of the notice and order is attached.

A notice and order was sent to the applicant in October 2003 regarding the placement of fill materials in the

Hay Creek floodway without a development permit. A copy of the notice and order is attached.

A notice and order was sent to the applicant in May 2007 regarding vehicle parts, frames and bodies being stored outside of buildings and required fencing. A copy of the notice and order is attached. The applicant appealed this notice and order to the Board of Adjustment. At their meeting of September 6, 2007, the Board denied the appeal and required the applicant to correct all violations on the site and to submit an application for approval of a special use permit. A copy of the September 6, 2007 minutes of the Board of Adjustment is attached.

Proposed Operations

The applicant has submitted a narrative describing how all three sites associated with CK Auto, Inc. will function if the proposed special use is approved. Copies of the narrative and proposed preliminary site plan are attached.

Lot 1A (3405 East Divide Avenue), located at the northwest quadrant of the intersection of East Divide Avenue and Channel Drive, will function as it was originally intended, as an auto body repair and body shop.

Auto body repair and dismantling will take place in southern building on the property. Vehicles will initially be processed at this building and will temporarily be sent to the southern portion of Lot 2, referred to as site 2B, to await dismantling. When vehicles are ready for dismantling, they will be moved back to the building and dismantled. Completed vehicles will then be sent back to site 2B and may remain there for up to three years before they are removed for recycling.

The building located on the northern portion of the property will function as a body shop. Vehicles that have been processed and deemed to be repaired will be sent to this building. Once vehicles have been repaired they will be sent to the northern portion of Lot 2, referred to as site 2A, for sales. Site 2A will primarily be a vehicle sales lot.

Lot 1B (1700 Channel Drive), located at the southwest quadrant of the intersection of East Divide Avenue and

Channel Drive, will function as a future or overflow vehicle sales lot.

As indicated above, Lot 2 (1601 Channel Drive), located in the southeast quadrant of the intersection of East Divide Avenue and Channel Drive, will function as a vehicle sales (site 2A) and storage (site 2B).

Existing Violations

The applicant has been notified that a number of violations of the City Code of Ordinances are occurring on the properties associated with CK Auto, Inc. In particular, partially-dismantled, non-operating, wrecked or junked vehicles, and fencing are located on the public right-of-way (East Divide Avenue, Channel Drive and Global Drive) and within drainage ways. In addition the placement of fill, partially-dismantled, non-operating, wrecked or junked vehicles, fencing and storage containers are also located within floodway.

The City of Bismarck is a member of the National Floodplain Insurance Program (NFIP) and must comply with regulations regarding floodway encroachment. Representatives of the NFIP and the ND State Water Commission have visited the properties associated with CK Auto, Inc. and have instructed the City to bring the properties into compliance with floodplain regulations.

Conditions of Approval

Staff is recommending the approval of the proposed special use permit as it would legitimize the existing use of the properties associated with CK Auto, Inc. and would allow the applicant to relocate salvage operations and storage of salvaged vehicles to Lot 2 (1601 Channel Drive), which will create the additional space needed on Lots 1A and 1B (3405 East Divide Avenue and 1701 Channel Drive) to comply with provisions of the City Code of Ordinances and resolve existing violations. The following are conditions of approval.

1. All encroachments into the public right-of-way, drainage ways, and the floodway must be removed no later than January 1, 2017.
2. All storage and salvage operations must be conducted within an enclosed building or within an area enclosed on all sides with an opaque

wall or fence not less than eight (8) feet in height.

3. The required wall or fence must be set back at least fifteen (15) feet from the property lines of those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way.
4. All sites must be sufficiently cleared to provide adequate Fire Department access to all portions of existing and proposed buildings located on properties associated with CK Auto, Inc.
5. A completely and permanently landscaped setback strip of at least fifteen (15) feet must be installed around those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way. All areas between the property line and the required wall or fence shall be landscaped and a buffer yard shall be installed where required in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). In addition, the owner shall be responsible for providing, protecting and maintaining all landscaping materials in a healthy growing condition.
6. A site plan demonstrating the above conditions must be submitted for approval prior to the applicant continuing site development on any of the sites associated with CK Auto, Inc.

Required Findings of Fact

1. If approved as proposed and conditions of approval are met, the proposed special use would comply with all applicable provisions of the zoning ordinance and would be consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use would be compatible with adjacent land uses and zoning, provided the required wall or fencing and landscaping is installed adjacent to the public rights-of-way of all properties

associated with CK Auto, Inc. and that buffer yards are installed where required.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area, provided the conditions of approval are met;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity, provided the required wall or fencing and landscaping is installed adjacent to the public rights-of-way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic; and,
7. The proposed special use would not adversely affect the public health, safety and general welfare, provided the required wall or fencing and landscaping is installed adjacent to the public rights-of-way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for the operation of a motor vehicle parts salvage yard provided the following conditions are met.

1. All encroachments into the public rights-of-way, drainage ways, and the floodway must be removed no later than January 1, 2017.
2. All storage and salvage operations must be conducted within an enclosed building or within an area enclosed on all sides with an opaque wall or fence not less than eight (8) feet in height.
3. The required wall or fence must be set back at least fifteen (15) feet from the property lines of those portions of the properties associated

with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way.

4. All sites must be sufficiently cleared to provide adequate Fire Department access to all portions of existing and proposed buildings located on properties associated with CK Auto, Inc.
5. A completely and permanently landscaped setback strip of at least fifteen (15) feet must be installed around those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way. All areas between the property line and the required wall or fence shall be landscaped and a buffer yard shall be installed where required in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). In addition, the owner shall be responsible for providing, protecting and maintaining all landscaping materials in a healthy growing condition.
6. A site plan demonstrating the above conditions must be submitted for approval prior to the applicant continuing site development on any of the sites associated with CK Auto, Inc.

7. All applicable provisions of the zoning ordinance are met.
8. Development of the properties associated with CK Auto, Inc. must generally comply with the submitted narrative and the approved site plan.

Attachments

1. Location Map
2. Preliminary Site Plan
3. Section 14-03-08(4)(H) of the City Code of Ordinances
4. July 2000 notice and order
5. October 2003 notice and order
6. May 2007 notice and order
7. September 6, 2007 Board of Adjustment meeting minutes
8. Proposed operations narrative (May 2016)
9. Supplemental operations narrative and proposed time frame for compliance (July 2016)

Staff report prepared by: Jenny Wollmuth, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Special Use Permit
Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the easterly 920 feet
and less the north 40 feet of the west 405 feet taken
for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition



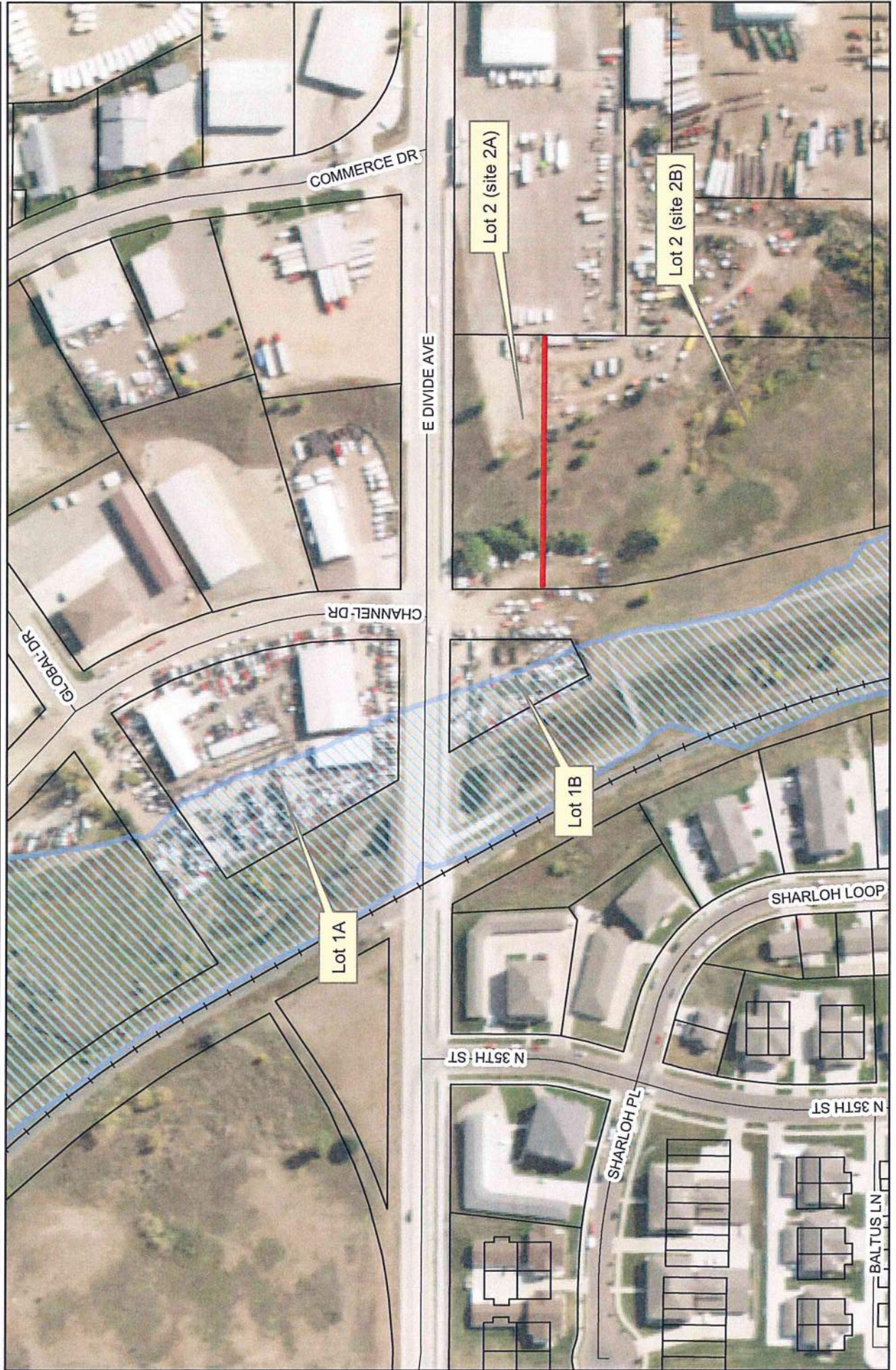
May 17, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



CK Auto, Inc.

Motor Vehicle Parts Salvage Yard



Date: 6/22/2016

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

14-03-08(4)(h)

h. Motor Vehicle Parts Salvage Yard. In addition to other provisions of Title 14 of the revised ordinances of the City of Bismarck, a motor vehicle parts salvage yard may be operated in the MA or MB industrial districts as a special use, provided:

1. That the special use permit granted under the provisions of this article shall be revoked by the Zoning Administrator if the holder violates any provisions of this ordinance or any special provision imposed by the city planning and zoning commission.
2. That all storage and salvage operations be conducted within an enclosed building or within an area enclosed on all sides with an opaque wall or fence not less than eight (8) feet in height or as approved by the city planning and zoning commission.
3. That the wall or fence be set back at least fifteen (15) feet from those property lines which border public rights-of-way.
4. That there shall be no burning of wrecked motor vehicles and that there shall be no stacking of motor vehicles.
5. There shall be no parts handled other than for motor vehicles.
6. That a completely and permanently landscaped setback strip of at least fifteen (15) feet be installed around those portions of the salvage yard perimeter which border public rights-of-way. All area between the property line and the required wall or fence shall be landscaped. The primary landscaping materials used in the setback strip shall be trees, shrubbery, ground cover, hedges, lawn, and other live planting materials. The land owners shall be responsible for providing, protecting and maintaining all landscaping materials in healthy growing condition.
7. That the total area of the premises shall be a minimum of two (2) acres and a maximum of five (5) acres in size.

**IN THE MATTER OF MULTIPLE ZONING VIOLATIONS LOCATED ON
PROPERTY DESCRIBED AS LOT "A" OF LOT 1, MIRIAM INDUSTRIAL
PARK 2ND ADDITION TO THE CITY OF BISMARCK ND AND HAVING AN
ADDRESS OF 3405 E DIVIDE AVENUE, BISMARCK ND 58501.**

NOTICE AND ORDER

(Certified)

To: Christopher L Krein
3405 E Divide Avenue
Bismarck ND 58501-2568

You are hereby notified that the undersigned Building Official acting on behalf of the City of Bismarck, North Dakota and acting pursuant to Title fourteen (14) of the 1986 Code of Ordinances of the City of Bismarck, North Dakota, as amended, has determined that the present usage of the above described property constitutes a violation of Chapters 14-03-08 and 14-04-19 of said Title fourteen (14) of the 1986 Code of Ordinances of the City of Bismarck, North Dakota, as amended, in the following particulars:

You are operating a "Motor Vehicle Parts Salvage Yard" without benefit of a special use permit as required by chapter 14-03-08 of the above referenced code of ordinances.

You have also placed, or caused to be placed, fill materials in the Hay Creek floodway without a development permit as required by chapter 14-04-19 of the above referenced code of ordinances.

YOU ARE THEREFORE ORDERED TO: Cease operation as a "Motor Vehicle Parts Salvage Yard" and to remove all fill materials from the Hay Creek floodway all within thirty (30) days of receipt of this notice and order.

IF YOU DESIRE TO APPEAL THIS NOTICE AND ORDER YOU MUST FILE A WRITTEN REQUEST WITHIN THIRTY (30) DAYS WITH THE OFFICE OF FIRE AND INSPECTIONS, 1020 EAST CENTRAL AVENUE, PO BOX 5503, BISMARCK, NORTH DAKOTA 58502. A HEARING WILL THEN BE SCHEDULED BEFORE THE BOARD OF ADJUSTMENT. IF A HEARING IS NOT REQUESTED YOU MUST COMPLY WITH THIS ORDER IN THE TIME ALLOWED.

DATED THIS 5th DAY OF JULY 2000


Bill Augustadt
Building Official

c: Charles Whitman, City Attorney
Mel Bullinger, City Engineer

**IN THE MATTER OF A ZONING VIOLATION LOCATED ON PROPERTY
DESCRIBED AS LOT "B" OF LOT 1, MIRIAM INDUSTRIAL PARK 2ND
ADDITION TO THE CITY OF BISMARCK ND AND HAVING AN ADDRESS
OF 1700 CHANNEL DR, BISMARCK ND 58501.**

NOTICE AND ORDER

(Certified)
To: Christopher L Krein
3405 E Divide Avenue
Bismarck ND 58501-2568

You are hereby notified that the undersigned Building Official acting on behalf of the City of Bismarck, North Dakota and acting pursuant to Title fourteen (14) of the 1986 Code of Ordinances of the City of Bismarck, North Dakota, as amended, has determined that the present usage of the above described property constitutes a violation of Chapter 14-04-19 of said Title fourteen (14) of the 1986 Code of Ordinances of the City of Bismarck, North Dakota, as amended, in the following particulars:

You have placed, or caused to be placed, fill materials in the Hay Creek floodway without a development permit as required by chapter 14-04-19 of the above referenced code of ordinances.

YOU ARE THEREFORE ORDERED TO: Remove all fill materials from the Hay Creek floodway within thirty (30) days of receipt of this notice and order.

IF YOU DESIRE TO APPEAL THIS NOTICE AND ORDER YOU MUST FILE A WRITTEN REQUEST WITHIN THIRTY (30) DAYS WITH THE OFFICE OF FIRE AND INSPECTIONS, 1020 EAST CENTRAL AVENUE, PO BOX 5503, BISMARCK, NORTH DAKOTA 58502. A HEARING WILL THEN BE SCHEDULED BEFORE THE BOARD OF ADJUSTMENT. IF A HEARING IS NOT REQUESTED YOU MUST COMPLY WITH THIS ORDER IN THE TIME ALLOWED.

DATED THIS 31st DAY OF OCTOBER 2003


Bill Augustadt
Building Official

c: Charles Whitman, City Attorney
Mel Bullinger, City Engineer
Lisa Ansley
Swenson Hagen Engineers

IN THE MATTER OF A PUBLIC NUISANCE AND ZONING VIOLATION LOCATED ON
LOTS A AND B OF LOT 1, MIRIAM INDUSTRIAL PARK 2ND ADDITION WITH
ADDRESS'S 3405 EAST DIVIDE AVENUE AND 1700 CHANNEL DRIVE, BISMARCK,
NORTH DAKOTA

NOTICE AND ORDER

(Certified)

Christopher L. Krein
3405 E Divide Av
Bismarck ND 58501-2568

You are hereby notified that the undersigned, acting under the authority of the Director of Inspections of the City of Bismarck, North Dakota, and pursuant to Title 14 Zoning of the 1986 Code of Ordinances of the City of Bismarck, North Dakota, as amended, conducted an inspection (See enclosed pictures) of the foregoing described property on May 21, 2007 and found the following:

Numerous vehicle parts and vehicle frames and bodies stored outside the buildings and fence.

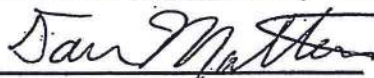
From such findings, the undersigned concludes that such storage is in violation of Section 14-03-08.1 under Special Uses and Pertaining to the Operation of a Motor Vehicle Parts Salvage Yard of the 1986 Code of Ordinances of the City of Bismarck, as amended.

The use of this property for this purpose constitutes a public nuisance as stated in Section 14-05-06 of the Code of Ordinances of the City of Bismarck, as amended.

YOU ARE THEREFORE ORDERED to remove the vehicle parts, frames and bodies stored outside the buildings and fence within 30 days of the date of this notice and order.

IF YOU DESIRE TO APPEAL THIS NOTICE AND ORDER, YOU MUST FILE A WRITTEN REQUEST WITHIN THIRTY (30) DAYS WITH THE OFFICE OF FIRE AND INSPECTIONS, ENVIRONMENTAL HEALTH DIVISION, 1020 E. CENTRAL AVENUE, BISMARCK, NORTH DAKOTA 58501-1936. YOUR REQUEST FOR A HEARING WILL BE FORWARDED TO THE BOARD OF ADJUSTMENT. IF A HEARING IS NOT REQUESTED, YOU MUST COMPLY WITH THE ORDER WITHIN THE TIME ALLOWED.

Dated this 24th Day of May, 2007.



Dan Mattern
Environmental Health Specialist

cc: Charles Whitman, City Attorney

APPEAL OF NOTICE AND ORDER – Christopher Krein – 3405 East Divide Avenue

Mike Marback stated that it appears that there have been several inspection reports on file for Chris Krein dating back to 1999. Mr. Marback stated that Mr. Krein has complied with the request in the past. Mel Fischer, Environmental Health stated that was correct.

Larry Thompson stated that he has driven by the property and he seems to comply for 60-days and then it goes back to the way it was before or worse. He added that the inspections don't seem to help.

Mr. Fischer stated that they are continually inspecting the property and seem to have the same problem with vehicles. He added that Mr. Krein does not have a special use permit to operate a salvage yard.

Dan Mattern, Fire and Inspections, stated that the property has had some improvements, but they have received complaints in the fall of 2006 that there were large amounts of vehicles in the area.

Chris Krein, property owner, explained why the additional vehicles were on the property. Mr. Thompson stated that it is an ongoing problem. Mr. Krein stated that his business is growing. Mr. Thompson stated that these vehicles should be fenced in. Mr. Krein stated that he is unable to put up a fence on the west side because of the floodway.

Mr. Marback stated that Mr. Krein needs to rack his vehicles and get them off of the road. He also needs to apply for a special use permit to operate the salvage yard and be in compliance.

MOTION: A motion was made by Larry Thompson and seconded by Duane Berger to deny the request for an appeal of the Notice and Order. Mike Marback, Warren Tvenge, Duane Berger, and Larry Thompson voted in favor of the motion. Blair Ihmels voted against the motion. The motion was approved



SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

May 19, 2015

Jenny Wollmouth
Community Development Department
221 North 5th Street
Bismarck, ND, 58506-5503

RE: Special Use Permit for Lots 1A, 1B and 2, Miriam Industrial Park 2nd Addition

Jenny:

Below is the business operations of the above described lots and the timelines for construction activities and the moving of the vehicles after the construction activities on Lot 2 and Channel Drive.

Operations

When a vehicle comes in, it needs to be assessed whether it will be recycled or refinished. Vehicles may be held for a short time at Lot 2, site 2B until they go to be either dismantled or refinished.

LOT 1A, BLDG 1A - AUTO REPAIR / AUTO DISMANTLING

When vehicles initially get to the business, they will be processed at building 1A. The vehicles will be temporarily sent to Lot 2, site 2B to wait for dismantling. When the vehicles are ready for dismantling, they are brought back to Building 1A and all fluids and greases are removed from the vehicle. The drivetrain is also removed from the vehicle. When completed the vehicles are sent back to Lot 2, site 2B.

LOT 1A, BLDG 1B - AUTO BODY REPAIR & REFINISHING

Vehicles which are classified to be refinished end up at Building 1B. These vehicles will be refinished and sent to Lot 2, site 2A for auto sales.

LOT 1B - EXISTING VEHICLE STORAGE

This lot currently houses existing vehicles for storage. The proposed plan for this lot is to convert the lot to an additional vehicle sales lot.

LOT 2, SITE 2A - RETAIL CAR SALES

The lot will be utilized into two individual uses separated by fencing. The site 2A will be used for retail car sales. The area is adjacent to Divide Avenue and access provided off of Channel Drive, south of Divide Avenue. No buildings are proposed is this location.

LOT 2, SITE 2B - LONG TERM STORAGE

As indicated above, vehicle may temporarily be stored in this location before they are either dismantled or refinished. After the vehicles are dismantled at Building 1A, they are returned to site 2B and may remain there for up to 3 years before they are shipped out for recycling.

Timeline

Currently a site plan has been developed for Lot 2 and is at the City for review and approval. Plans and specifications are also at the City for water and storm sewer and paving, for Channel Drive, south of Divide Avenue.

As plans are approved the owner will bid out the grading of Channel Drive & Lot 2. The owner would like to grade the right-of-way of Channel Drive initially and move to Lot 2 to finish grading operations. The utility project will be bid and awarded by a 3-way contract, and anticipated to start on or around June 20th with a July 22nd completion date.

The paving project will be bid and awarded with an anticipated start around the end of July and a completion date of 26th. Gravel operations will be completed by August 12th. The landscaping, fencing and signage will occur from mid August to the beginning of September.

During the summer, the site grading for Lot 2 will wrap up and graveling of the access lanes can start. Graveling should be completed in August. When Channel Drive construction is completed the owner could start moving the operations around. Operation conversions will begin with the vehicles on Lot 1A. These vehicles will be removed and placed on Lot 2, site 2B. Sales vehicles will be moved to Lot 2, site 2A. Lastly the vehicles located in Lot 1B will be moved to Lot 2, site 2B. Once all vehicles are removed from Lot 1B, the site will begin conversion to a future Retail Sales Lot.

It is expected that the conversion of all the properties will take until April 15th, 2017 to complete.

Sincerely,



Jason Petryszyn, PE



3405 East Divide Avenue
Bismarck, ND 58501
Phone: 701-223-7774 Fax: 701-250-8064

7/11/2016

To the Bismarck Planning and Zoning Commission:

CK Auto is before you today asking for approval of a Special Use Permit. I thank you for allowing us the opportunity to provide you with additional information regarding our application and your consideration of approval of this Special Use Permit.

Before providing you with the information that I believe that you have requested upon consideration of the approval of the Special Use Permit, I would like to take a few minutes to give you some Background information on CK Auto. What makes CK Auto the business that it is and how has it evolved into what it is today.

CK Auto Inc. started in 1996 as an Auto Body/ Frame Repair Shop. In between repairing vehicles for paying customers and Insurance companies, CK Auto Inc. would purchase repairable vehicles that we would repair when our shop was slow and sell them for supplemental Income. As time went on, CK Auto started to repair and sell more repairable vehicles, leading into getting a Used Auto Dealer License. We would selectively purchase vehicles then purchase another vehicle of the same year, make and model, that we would use for parts, not only to fix one vehicle but another one as well and possibly three if I was selective enough. This was the start of where CK Auto Inc. is today.

Our retail repaired used auto inventory gradually grew as well as our wholesale repairable inventory, meaning vehicles for sale to the public with existing damage in which they can purchase and fix themselves. Along with the growth in repairable inventory, my parts car inventory grew as well, leading me to invest in a Used Auto Parts Interchange System to market the auto parts that were left over and that gave me the ability to market them globally to Used Auto Parts Dealers Nation Wide.

CK Auto Inc. also is very different from your average car dealership we sell late model repairable vehicles, theft recovery vehicles, storm or hail damaged vehicles, mechanical damaged etc., saving the savvy buyers money on their next vehicle purchase. To make this whole business work we need late model donor vehicles to fix the repairable vehicles. It is not possible or economically feasible to fix these late model vehicles without recycled parts.

CK Auto Inc. provides our community many services offered at one location, Auto Body, Frame and Collision Repair, Mechanical, Electrical and Maintenance Repairs, Used Auto Sales and access to recycled used auto parts around the nation. All of these services feed off of the same need which is vehicles with recyclable parts.

Insurance companies and individuals bringing work into our Body Shop require the use of new and recycled used auto parts. Those parts have to come from somewhere, and we fortunately have a wide variety of parts vehicles of all makes and models. The convenience of having these recycled parts on site saves insurance companies and our customers time and money.

The same goes for our Mechanic, Electrical and Maintenance facility. Having recycled used parts on hand is definitely a huge plus in our customers pocket when replacing an engine, transmission or even just a wheel or the mirror they broke off backing out of their garage this morning. Especially if you are driving a newer model truck in which case most of the mirrors are listing out anywhere from \$500-\$1200 each from the Dealer and they can be purchased from us for half the price. That being said, we sell recycled used auto parts to almost every mechanic shop and Dealership in Bismarck-Mandan and surrounding communities State and Nation Wide. We also repair many state and city vehicles as well with the ability of saving money on the repairs by using recycled parts. We have great relationships with many of our local and State wide accounts that we have served over the years.

Our community is always growing and with that growth comes more businesses, more people, more housing and more vehicles. As our community grows so do successful businesses by evolving with the growth of the community to fit the new needs and demands of the community during that growth.

We do in fact selectively purchase vehicles from local Insurance companies, insurance auto auctions and the general public. We purchase these vehicles based on the needs for the parts most requested in our area so that we can meet those needs of our customers.

We also have vehicles that have been abandoned at our facility, we have vehicles that have been left at our facility because people brought them in for repairs and could not pay for the repairs, who quit making payments on the repairs and just never come back for the vehicle. And then we have people who have had vehicles sitting in their driveways, back yards, or in the city streets that just ask us to come get them because they have no other place to take them.

It has never been the intent of CK Auto to haul these vehicles in and place them in their final resting place for the duration of their life. All of the vehicles are recycled. Each vehicle is torn down, keeping the good, non-damaged recycled parts which are then inventoried and put into the parts system for sale. All of the fluids such as engine oils, transmission, brake fluids and antifreeze are drained. Air Conditioning Freon is recaptured, stored and reused in vehicles that we repair. Tires are sent out for recycling if they are not listed as used tires for sale. We strip the aluminum, lead, copper and any Mercury switches off the vehicles as well. We prevent any harmful liquids or gasses from entering our ground or atmosphere. The remainder of the vehicle is then crushed and then sent off to other facilities, locally or out of state that recycle what is left.

There is so much more to be said about what we do as a business within this community. However, for now I can just hope that what little light I have shed on the function and purpose of CK Auto Inc. is enough for you to consider the approval of this Special Use Permit.

Following these next few statements I will be submitting to you a Timeline of events that will take place with the end result of CK Auto Inc. being in full compliance with the City of Bismarck.

At this time, the repairable vehicles, for sale to the public, outside of the fence, north of our Body shop, in the right of way of Global and Channel Dr., have been moved.

My goal, by 5:00 July 27th, is to have the vehicles in the right away South of East Divide gone. The vehicles and the automobile frames and suspension gone off of the property to the North of our body shop, next to the new Channel Dr. (ORDO Property). Also to keep any vehicles, other than paying customer vehicles that are at our facility for repairs, off of Channel Dr.

I will provide you with photos of the properties at the time of the July 27th meeting for the projects done. I will also be contacting and notifying Staff when these areas are cleared as well, encouraging them to come for an inspection to make sure these areas have in fact been cleared to the compliance standard.

In regards to providing a better site plan and timeline than what was submitted at the last meeting. I find it difficult to provide anything better than what was previously submitted. The timeline that was provided for the last meeting, constructed by Swenson and Hagen is full of detail in each step of the timeline. The only changes that I feel are needed to be made to the timeline would be changes to the actual dates.

1. Following the July 27th meeting, and upon approval of the Special Use Permit, we would begin to get Bids for grading, Utilities and Paving on the required extension of Channel Dr. with access to Lot 2 as early as July 28th.
2. The Bidding process will take up to 14 days to receive the Bids and enter into contracts after receiving the bids.
3. Once the grading process begins it will take all of 14 days to prepare for Utilities.

4. Utility Construction will take up to 27 days to complete and be ready for the Paving Process.

5. Paving is estimated to be in process for 5 weeks.

During this time, the extension of Channel Drive is being constructed, grading, landscaping and fencing of Lot 2 will be progressing as well.

6. As soon as there is proper access to Lot 2, the gravel will be hauled in for fire access within the Lot.

The timeline above, pending your approval of the Special Use Permit puts us at the end of October to mid-November for completion on the Channel Dr. Extension.

7. In consideration of the vehicles that we currently have, and were given permission in 2007, to fence and store in the floodway.

Upon the completion of the development of Lot2, CK Auto will begin the process of moving the vehicles and Cantilever racks over to Lot 2. Your approval of this project will allow us in a more efficient timeline to move these items out of the floodway more quickly. This move should take no more than 45 days from start to finish, weather permitting as we are projecting a start date of this move in mid to late November.

Prior to our purchase of this property, I personally met with City Engineering, City of Bismarck Building Inspector, of the City Planning people, Traffic Engineer, the Chief of Police and Fire Chief, to obtain prior approval of the land use of Lot 2, for CK Auto. Every one of them agreed per this conversation that Lot 2 would be an acceptable use of the property, to store vehicles on. Of course, following certain conditions that would need to be met. All of the conditions that were talked about during those conversations are being met per the site plan submitted.

All of the things that are being required to be addressed at our current location have been the incentive for us to invest in property. When this property came to us for sale, after several years of being in contact with the original owner, we considered ourselves blessed... This was just

"Meant to be" and excitement about this project ran through all of us at CK Auto Inc.

Most of the people that are employed by CK Auto Inc. have been with us from the beginning. They are much more than just employees that just come to work each day to collect a paycheck. We all have worked very hard over the years, and take great pride in bringing CK Auto Inc. from what it was 20 years ago to what it is today.

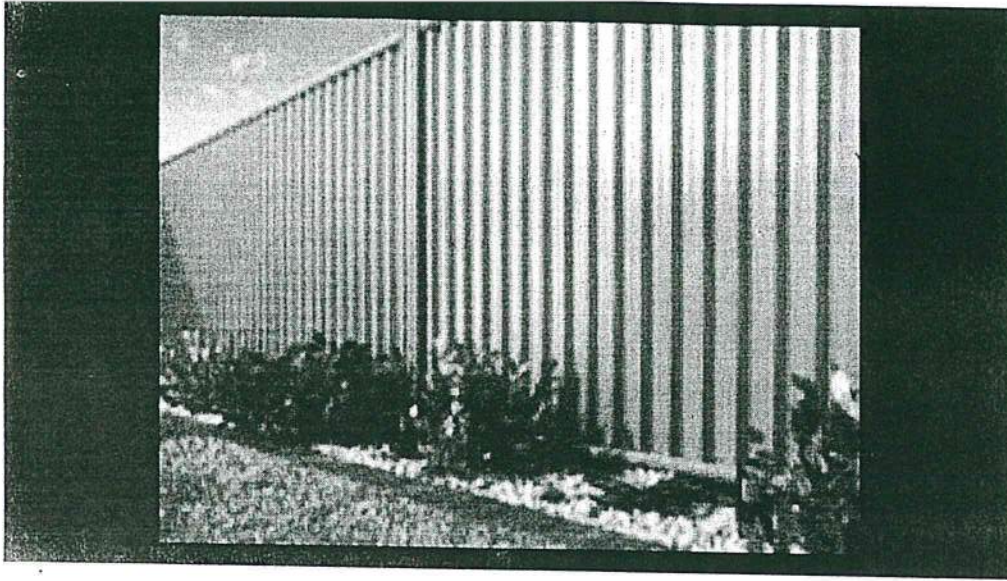
Our overall goal is to turn CK Auto Inc. into the nicest and most functional Auto Recycling Facility in the State. We would be honored, with your approval, to have the opportunity to provide this type of facility to our community and State. Once the timeline is complete and everything is moved to its new location on Lot 2, CK Auto Inc. will have sufficient retail and storage space available to do business, as well as giving CK Auto, Inc. the ability to run our business in compliance with the City of Bismarck.

Without your approval on this project, it will cause CK Auto Inc. hardship to comply with what is being requested by staff.

Thank you once again for the opportunity and consideration of approval of this Special Use Permit.

A handwritten signature in black ink, appearing to be 'CK' or similar initials, written in a cursive style.

Chris Krein
President/Vice President
CK Auto, Inc.



Proposed Fence Photo

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
November 19, 2016

The Bismarck Planning & Zoning Commission met on November 19, 2016, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Brian Bitner, Vernon Laning, Doug Lee, Gabe Schell, Mike Schwartz, Lisa Waldoch and Wayne Yeager. Commissioner Seminary participated via teleconference.

Commissioners Ken Selzler and Mike Donahue were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Will Hutchings – Planner, Hilary Balzum – Community Development Administrative Assistant, Charlie Whitman – City Attorney and Jason Hammes – Assistant City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the October 29, 2016 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the October 26, 2016 meeting, as presented. Commissioner Bitner seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. LOT 19, BLOCK 2, SONNET HEIGHTS SUBDIVISION SECOND REPLAT – ZONING CHANGE**
- B. LOTS 7-12, BLOCK 37, GOVERNOR PIERCE ADDITION – ZONING CHANGE**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Lot 19, Block 2, Sonnet Heights Subdivision Second Replat – Zoning Change
- B. Lots 7-12, Block 37, Governor Pierce Addition – Zoning Change

Commissioner Lee said he would like to pull agenda item A, relating to a zoning change from the RM30-Residential zoning district to the CG-Commercial zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat, for discussion.

MOTION: Commissioner Laning made a motion to approve consent agenda item B (Lots 7-12, Block 37, Governor Pierce Addition), calling for a public hearing on the item as recommended by staff. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Waldoch and Yeager voting in favor of the motion.

Commissioner Seminary joined the meeting via teleconference at this time.

Ms. Wollmuth gave an overview of agenda item A. The request is for a zoning change from the RM30-Residential zoning district to the CG-Commercial zoning district for Lot 19, Block 2, Sonnet Heights Subdivision Second Replat. The staff report includes the following findings related to land use:

1. The proposed zoning change generally is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is not compatible with adjacent land uses and zoning. In particular the proposed zoning change would not provide a zoning transition between existing single and two-family uses to the south and commercial uses proposed for this property.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed, provided the lot remains zoned as RM30 – Residential or a zoning district of lesser intensity as outlined in the plat note for Sonnet Heights Subdivision Second Replat.
4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is not in the public interest and is solely for the benefit of a single property owner.
6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. In particular the proposed zoning change would not provide a zoning transition between the existing single and two-family uses and commercial uses proposed for this property.
7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice as a zoning transition would not be made between the existing single and two-family uses and commercial uses proposed for this property.
8. The proposed zoning change may adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends denial of the zoning change from the RM30 – Residential zoning district to the CG – Commercial zoning district on Lot 19, Block 2, Sonnet Heights Second Replat. Ms. Wollmuth then said the Planning Division has been periodically asked by prospective property owners to support a zoning change to the CG – Commercial zoning district for this particular property. She explained that Planning staff has consistently responded to this request by stating that they would not support a zoning change that would have a higher land use, density and building height than those permitted within the RT – Residential zoning district, as it would not be compatible with adjacent single-family residential land uses. She said uses permitted within the RT – Residential zoning district include offices and multi-family residential uses with an overall building height of fifty (50) feet and a maximum density of thirty (30) units per acre.

Commissioner Schell asked if the adjacent Lots 8-10 have existing single-family homes on them. Ms. Wollmuth said there is an R10-Residential zoning district to the south of this property that does have one single-family home built on it.

Rudy Peltz, 1st Choice Homes, LLC, said he would like to be able to build on his property based on what is in demand right now, which are rental properties. He said he visited with the neighboring owners and was told they would prefer something like a strip mall or offices, anything other than a large apartment complex. He said the lot to the east of this one is also zoned CG-Commercial and is right across from Kupper Automotive.

Chairman Yeager asked how much room will be left to build on the property after the setbacks and buffer yards are in place and also, if this request were to be denied today, would a PUD zoning district be more appropriate for this location and use.

Ms. Lee said the concern from staff is that this request has been questioned before and staff has consistently stated that they cannot support a zoning district that is higher than RT-Residential.

Mr. Peltz said there is a lot of single-family houses behind Furniture Row, which is also a use in the CG-Commercial zoning district.

Commissioner Lee said people need to be able to rely on the zoning ordinance and the CG-Commercial zoning district is broad as far as the allowable uses. He said without knowing specifically what the use would be, he cannot support this request. He asked if restaurants are allowed in the RT-Residential zoning district.

Ms. Lee said restaurants are not allowed in that zoning district, but they are allowed in the CA-Commercial zoning district, which is more of a neighborhood commercial use zoning district. She said Furniture Row was there and zoned CG-Commercial prior to the single-family homes being built and a request for a change from RM30-Residential to CG-Commercial would always require some sort of buffer zone if there are adjacent residential uses. She then said the original Sonnet Heights Subdivision was platted in 1980, but did not start developing until 2007.

Commissioner Lee said he does not want to set a precedent and will not support the current request, but would be more open to a change to the CA-Commercial zoning district.

Commissioner Schell said the zoning ordinance specifies the need for a landscape buffer for a transition from the RM30-Residential zoning district to single and two-family uses within the R10 zoning district to the south and asked if there are any specifications for a transition to the CG zoning district.

Ms. Lee said landscape buffers are based on the proposed use, not necessarily the proposed zoning district and a change from R10-Residential zoning district to the CG-Commercial zoning district would require at least a 20 foot landscape buffer yard.

Mr. Peltz asked what he would need to do to modify the request to be a change to the CA-Commercial zoning district. Chairman Yeager said to work with Planning staff to get the request changed.

Mr. Peltz said either way the property needs to be rezoned as it cannot be developed as an RM30-Residential use.

Ms. Lee said the request today is to change the property to CG-Commercial and if the owner would like that request modified he can submit the request to the Planning Division and it can be put on the December agenda for consideration. She added staff would not support a change to the CA-Commercial zoning district, because of the concerns previously stated, but the applicant could request the change.

Commissioner Lee asked if the Commission would consider any other zoning in this location. Commissioner Laning said he would like a clearer definition of the CA-Commercial zoning district and its allowable uses, if that seems like a change the neighborhood would be more comfortable with.

Commissioner Atkinson said he would like a public hearing so input from the neighborhood can be given.

Commissioner Bitner said he would be reluctant to approve the construction of a large apartment building if the adjacent neighborhood is opposed to it, but he also would like a public hearing to be held for them to give their opinion on what they might want instead.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to deny the zoning change from the RM30-Residential zoning district to the CG-Commercial zoning district on Lot 19, Block 2, Sonnet Heights Subdivision Second Replat. Commissioner Bitner seconded the motion and the request was unanimously denied with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (CHILD CARE CENTER)
LOT 8, BLOCK 1, AIRPORT EXPRESSWAY ADDITION**

Chairman Yeager called for the public hearing on a request for a special use permit for a child care center to be located on Lot 8, Block 1, Airport Expressway Addition. The property is located in south Bismarck, between University Drive and South 12th Street, along the east side of Basin Avenue (1001 Basin Avenue).

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, provided that the applicant addresses conditions outlined in the recommendations.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit to allow the operation of a child care center on Lot 8, Block 1, Airport Expressway Addition with the following conditions:

1. The operation of a child care center must meet all applicable requirements for such use in the CG-Commercial zoning district.
2. A six (6) foot tall opaque fence must be installed along the eastern edge of the property adjacent to the manufactured home park prior to occupation.
3. Perimeter parking lot landscaping and street tree planting must be installed as outlined in Section 14-03-11(8) of the City Code of Ordinances.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit to allow the operation of a child care center on Lot 8, Block 1, Airport Expressway Addition with the following conditions: 1. The operation of a child care center must meet all applicable requirements for such use in the CG-Commercial zoning district; 2. A six (6) foot tall opaque fence must be installed along the eastern edge of the property adjacent to the manufactured home park prior to occupation; and 3. Perimeter parking lot landscaping and street tree planting must be installed as outlined in Section 14-03-11(8) of the City Code of Ordinances. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – INFILL AND REDEVELOPMENT PLAN

Chairman Yeager called for the public hearing on the proposed Infill and Redevelopment Plan.

Mr. Nairn explained that this Plan was originally proposed in May and since that time, meetings have been held with a Technical Advisory Committee and interviews have been held with the associated stakeholders. He said an open house was held for the public to provide comments on the draft Plan and some of the suggestions given have since been incorporated into the draft Plan. He said this Plan, if adopted, would become a component of the Comprehensive Plan and could be adopted by a resolution to be forwarded to the City Commission for final approval. Mr. Nairn went on to say there are four distinct purposes, listed on page 2 of the Plan, and the general goals provided could apply to the whole City. He said that the Plan draws from several previous plans, including a 1983 Growth Management Techniques Plan, that addressed issues of infill and redevelopment. Mr. Nairn said a few character districts are proposed by the Plan that have unique attributes that should be considered, such as traditional neighborhoods, downtown, the health district and the Kirkwood Mall area.

Mr. Hutchings said the design principles of the Plan are for guidance but are not firm regulations on how to have good infill without any impact on the character of a neighborhood. He outlined eight design principles and several objectives of each of those principles. He said the eight design principles include: 1. Formation and Growth of Complete Neighborhoods; 2. Integration of Civic and Open Space into Development; 3. Provisions for Mixed-Use Development of Appropriate Scale; 4. Preservation and Enhancement of Architectural and Historical Character; 5. Building at the Scale of the Pedestrian; 6. Fostering a Network of Connected Streets and Paths; 7. Mitigation of the Impact of Parking on Public Space; and 8. Design to Allow Adaptation to Future Conditions.

David Witham, Civitecture Studio, LLP, said the Plan is meant to illustrate potential principles and outcomes, with the challenge as it relates to infill costs and existing structures. He said to overcome this challenge and for sensible economics, there needs to be a yield from an infill property in order to obtain any redevelopment. He then said this Plan would be a positive for the City, as well as investors and developers. Mr. Witham then provided an example of a large scale redevelopment project that would include mixed-use compact building types served by district parking, even away from the downtown district. He said this could include walk-up apartments and townhouses to mix price points and life stages to make it a complete neighborhood. He then said integration of open space with pedestrian malls and farmers markets could be featured in this scale. He said that the design demonstration preserves all existing pad site and does not eliminate any existing access. He said if the City were to take a shared parking approach it would help with the peaks and valleys of parking and the need to activate streets by engaging the different land uses. Mr. Witham then said a downtown infill example could include a ground floor podium with three to five story residential units and rebuilding an existing parking structure to accommodate those new residential units. He said a smaller scale example of infill would be of increasing the total usage of properties while accounting for alleys, maintaining front porches and massing of buildings with the surrounding neighborhood for consistent setbacks.

Mr. Nairn said a lot of the strategies provided in the Plan are broad and they do not give preference to one form of development over another. He then listed and elaborated on the various implementation strategies provided in the draft Plan.

Commissioner Bitner asked if population has declined within the core of the City and if so, why. Mr. Nairn said census figures do show a decline in population within the area platted prior to 1940, and he speculated that the area has seen a conversion of residential uses to commercial uses since that time and families are smaller now, but there have not been any large demolitions that would contribute to the decline.

Chairman Yeager opened the public hearing.

Bonnie Palecek, 704 North Mandan Street, said she has lived in her home for 42 years so she has seen many changes to the neighborhood. She said many of the residents of her neighborhood were not able to attend the open house for the draft Plan because it was at the same time that a variance request for a nearby property was being considered by the Board of Adjustment. She said design principles and maintaining character are important to her and others in the neighborhood. She said the implementation of design standards and the opportunities this Plan could offer interests many of them as well. She said she learned recently that a variance request is the only thing holding up an infill project in the Cathedral District and she would like to see more standards imposed. She said she is not sure of other infill projects in the neighborhood and she would like to see a moratorium on infill projects until the Plan and standards are in place. She said the draft Plan listed vacant properties for potential infill projects and she would like to see the legally unbuildable lots be removed from that list as a preventive measure. She then said she also encourages the development of a City-wide rental maintenance code as she has noticed a trend of owners living away from

their rental properties, causing the property to deteriorate significantly. Ms. Palecek's written comments are attached as Exhibit A.

Doug Philp, 928 North 10th Street, asked how long approving this Plan would take and where it would go next if it is approved today.

Mr. Nairn said the Plan was introduced this May and if approval is recommended by the Planning Commission today, it would be forwarded to the City Commission for consideration at their first meeting in January.

Mr. Philp said that is a reasonable amount of time for enough thought to have gone into the Plan, but he would like to see this slow down a bit to allow more time for input from the impacted neighborhoods.

Chairman Yeager said these are not hard and fast development codes, but he does understand the concerns stated in the comments given today.

Nadine Philp, 928 North 10th Street, said there needs to be some monitoring of vacant lots where there are safety concerns and some provision should also be included in the Plan for that. She said she has seen lots that are partially demolished and a safety hazard.

Ms. Lee said demolition permits are required with inspections performed in order to maintain safety already.

Ms. Philp asked if letters could be sent to property owners when changes, like this Plan, are proposed.

Ms. Lee said things like this Plan and zoning ordinance text amendments have a City-wide affect, so notifying every resident of Bismarck would not be feasible. She said these items are also posted on the City website and residents can sign up to receive cellular and email notifications of changes as well.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Schell asked if the Plan passes, balances what standards apply to which parts of town. Mr. Nairn said most principles in the Plan, such as mixed uses, would be more appropriate in central areas, but there may be opportunities to develop on urban form in new developments as well. He said, for this reason, the principles could be applied city-wide.

Mr. Schell asked if the examples provided are only examples and that none of those plans are set in stone. Mr. Nairn said that is correct, that the examples given are only demonstrations of the concepts in the Plan, adding that the owners of the properties shown on the examples have not proposed these designs.

Commissioner Bitner said he feels the Plan is great, but he will have to oppose it because of Burleigh County Commission's conflict with the continuation of the Renaissance Zone. He

said he feels it was a mistake for the Plan to reference the Renaissance Zone (RZ) at all and he heard the Tax Increment Finance (TIF) also referenced during the presentation.

Commissioner Lee said he thinks this is an outstanding report and he likes that it referenced other communities and feels this will help development processes a lot.

Commissioner Schell asked if it would make sense to remove references to the RZ in order to avoid the Plan being viewed in the light that Commissioner Bitner stated.

Chairman Yeager said that request can be included in the motion if that is the wish of the Commission.

Commissioner Seminary said he appreciates all of the hard work that has been put into the Plan, as well as the comments given by those present. He said it may be better to approve the Plan as it is, with references to the RZ included, and if the State Legislature were to remove the RZ from our economic development tools, the Plan could be modified then.

Commissioner Schwartz said he is pleased with the Plan as it focuses on the important issue of inner-city development.

MOTION: Commissioner Schwartz made a motion to adopt the Infill and Redevelopment Plan as proposed and forward it to the Board of City Commissioners for their final approval and adoption. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schwartz, Schell, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

ITEM ON TABLE

LOTS 1-2, BLOCK 1, REPLAT OF CALKINS ADDITION AND AUDITOR'S LOTS A & B OF THE SE1/4 OF THE NE1/4 OF SECTION 33, T139N-R80W/CITY LANDS – ZONING CHANGE (RM30 TO PUD)

Commissioner Lee asked if staff has had any conversations with the applicant since this request was tabled. Ms. Lee said the applicant has modified the request somewhat and has also met with adjacent neighbors. She said if the wish of the Commission is to take the item off the table, the continued discussion and action would have to be scheduled for a specific meeting date.

Commissioner Lee said he recommends leaving it on the table until the applicant is ready.

Commissioner Waldoch said she has had discussions with those associated with Ruth Meiers Hospitality House and they have indicated that they are ready and would like to have the continued public hearing in January.

Commissioner Schell asked if the adjacent owners would be renotified. Ms. Lee said yes, and that it is at the discretion of the Planning and Zoning Commission at this time to also reopen the public hearing.

MOTION: Commissioner Waldoch made a motion to recommend the request for a zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Lots 1-2, Block 1, Replat of Calkins Addition and Auditor's Lots A & B of the SE1/4 of the NE1/4 of Section 33, T139N-R80W/City Lands be taken off the table and scheduled for a continued public hearing to be held at the January 25, 2017 meeting of the Bismarck Planning and Zoning Commission. Commissioner Seminary seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Laning, Lee, Schwartz, Schell, Seminary, Waldoch and Yeager voting in favor of the motion.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:33 p.m. to meet again on December 21, 2016.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

BISMARCK PLANNING AND ZONING COMMISSION

NOVEMBER 16, 2016

PUBLIC HEARING ON INFILL AND REDEVELOPMENT PLAN

General Purposes of Plan

- + Protect and enhance the quality of life in existing neighborhoods
- + Promote efforts to beautify, preserve, and enhance aesthetically
- + Create a vibrant, lively attractive destination at the heart of the city
- + Promote active, healthy lifestyles

All of these purposes would affirm the vision we have for our community and our neighborhood. They may come into conflict with, or at least exist in a tension with efforts to:

- + Increase the tax base
- + Stimulate economic vitality
- + Encourage diverse housing
- + Create a sustainable funding base for services

Challenges

The plan acknowledges that there may be a conflict between the changes that infill and redevelopment brings and a traditional neighborhood. Therefore, it states that "It is important to create a fair and consistent process for hearing and responding to local ideas, and in many cases a final design can be refined and improved through listening to the vision residents have for their own neighborhoods." (p. 10). Embedding such a process is critical for the preservation of community values, including the right and need of those most closely impacted to have a say in the shaping of their living environments.

Design Principles

The establishment and honoring of mutually acceptable design principles is essential to any I and D Plan. We agree that “high quality design is especially important in the more central and compact areas of the City of Bismarck, where the placement and architectural features of buildings, as well as public spaces and infrastructure, greatly influence the quality of life of the community.” (p.13).

To that end, #2, “Integration of civic and open space into development” and #4 “the preservation and enhancement of architectural and historical character” are particularly important to the preservation of traditional neighborhoods. These principles are underscored with the acknowledgement on p. 15 that “The wide historic range and style of architecture and the abundance of mature trees are distinct amenities. Any infill and redevelopment of this area should be modest in scale and aligned with the general form of its surroundings.” Indeed, this is especially true in the historic Cathedral District, in which the entire District is on the National Registry of Historic Places and the boulevard trees are protected as part of that designation. Those of us who live here hold dear the belief that “the character of each neighborhood is rooted in its past, and should shape the unique trajectory of its future (p.14). Also in keeping with the tenor of preservation and the neighborhood culture, the integration of green spaces, including “Pocket Parks,” should be an integral part of any I and R Plan, as indicated on p. 18.

The proposed plan includes strong language regarding the “preservation and enhancement of architectural and historical character.” Although the Plan recognizes that any community and neighborhood “evolves,” it also insists that

“Infill and redevelopment should strike a balance between preserving the character of the past while remaining open to the possibility of the future. The style and character of any Bismarck neighborhood is greater than the sum of its parts. Everything from the street width to the layout of buildings and architectural details of individual buildings contributes to the overall character of the area. **Infill and redevelopment should respect the people who already live and work in that place, and contribute to its character rather than distract from it.**” (p. 20)

The Plan continues by specifying particular design objectives which manifest that respect:

“The character of the existing neighborhood is respected with the use of complementary:

- Shape, form, and height
- Texture/materials
- Open space/setbacks
- Color palette (in some cases)

Respect for trees and vegetation is also included (p. 20).

These design principles are further reinforced by recommending “gentle and lean infill” which “fits the character of the neighborhood.” (p.26)

Implementation Strategies

Of course we realize that the city is considering this document as a proposed plan. As yet there are no vehicles set up specifically to implement the vision and principles set forth in the first sections of the plan. And, of course, the proverbial devil is in the details of implementation. Therefore, the outline of the implementation strategies presented in the plan is of particular importance.

With that in mind, we are encouraged that the implementation section is introduced by restating an “overall vision,” which includes protecting and enhancing the quality of life in existing neighborhoods and the “values and goals” articulated in Bismarck’s Strategic Plan.

As residents of the Cathedral District, we are also heartened that the implementation strategies include “The creation of design standards for neighborhoods” and the opportunity to “become a certified local government for historic preservation.” As you know, our District has been involved in several

organized efforts to maintain the character and values of the area over the years, and this plan may very well give the impetus needed to formalize our desire to preserve what we consider to be the essential nature of our neighborhood community.

With all of this in mind, we would appreciate clarification of several aspects of the implementation strategies.

- We realize that there are currently variances in the required 25' setback required in an R5 Residential Zoning District. It appears that setbacks are the primary (if not exclusive) responsibility of the Board of Adjustment. In other words, right now, if a variance is granted by that Board, any construction can proceed. A setback variance is about the only thing that stands in the way of an infill or redevelopment project.

The proposed plan also is very specific about setbacks “matching the surroundings, based on actual measurements.” We want to make sure that that language remains in the finalized plan. (p.34)

- Since we believe we have a plurality of residents who would support the creation of design standards for the District, we would request a moratorium on any I and R projects until we can gather the required signatures and begin a process of developing those standards. We understand that the plan does not anticipate creating design standards, but rather “sets a posture of openness and assistance if the majority of the property owners of any recognized neighborhood wish to impose rules upon themselves.” (p.38)
- For the same reasons as stated above, we would request time to pursue becoming a “Certified Local Government, including the adoption of an historic preservation ordinance and the creation of an Historic Preservation Committee.” (p.39)

- We would also affirm the need for “public green space” which is “even more important in areas where yards are smaller and there are fewer opportunities for natural recreation and relaxation on private property.” (p.46). We also appreciate the commitment to street trees as “an important component of the streetscape” and strongly agree that “the requirement to plant and maintain them should remain.” (p.49)

We are grateful for the many aspects of the plan which affirm respecting the character and integrity of neighborhoods and the people who live in them. No one wants to feel that change is being imposed on them without any chance to impact how or even if it comes in a certain form or speed. We trust that our leaders will honor the spirit as well as the letter of this plan.

Having said that, we must express concern over the proposed “new traditional neighborhood zoning district.” We understand how it relates to *new* traditional districts, but it is concerning that it is also proposed that “older areas of the city that already match the Traditional Neighborhood provisions (Cathedral District?) could be rezoned to this zoning district by a city-initiated action.” As residents, we would be able to “voice an opinion,” but it appears that the City could proceed without neighborhood consent. Would this apply even if historic design standards had been developed and a Certified Local Government established? If so, would it not defeat the purpose of establishing those standards and that designation?

The reasons given for this rezoning are “allowance for smaller lot sizes, lesser setback requirements, and greater options for different housing types.” If current restrictions are removed in order to “streamline” the process, and requests for “variances and other special approvals” are “less likely to be necessary,” would that not also remove the opportunity for neighborhood residents to have a voice in those changes, which may include “more flexibility in the use of existing structures?” The assurance is given that “improvements” must be “consistent with the character of the neighborhood,” but at this point consistency is only in the eye of the beholder. (p.47)

Another point of clarification is needed on the proposed database of vacant properties. It appears that the database would list all vacant properties and that **“properties that are legally unbuildable should be removed.”** We would wholeheartedly agree that unbuildable lots should not be made available as infill projects. Currently, they apparently can be sold as buildable lots even before a variance has been secured. That transaction then builds in a “hardship” for the property owner and is used as a reason for the proposed variance! This does not seem fair either to the buyer or certainly for the neighborhood community.

As we have suggested earlier, in order for this plan to be effective, any current infill projects should be put on hold until the details and implications of this plan can be spelled out.

Finally, we would strongly support the development of a City “Rental Maintenance Code.” We have experienced the truth of the statement “Housing that is not adequately maintained not only creates health and safety issues for the renters of the building, which they may or may not be aware of, it also exerts a negative effect on the surrounding neighborhood.”

Obviously, adopting such a Code would have associated costs, but the benefits in terms of quality of life of all concerned, are invaluable. Frankly, the fear of having a “modified” structure rented out and owned by a landlord who may very well live states away, is a major concern of people in our neighborhood. And once that precedent has been set and becomes a trend, it is very difficult to retract.

The 10/31/16 draft Infill and Redevelopment Plan could be a significant tool used to preserve and enhance the quality of life in both old neighborhoods and new developments. Thank you for providing this opportunity for input.



Bonnie and Brian Palecek
704 Mandan Street

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	11/2016		11/2015		11/2016		11/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	9	\$1,931,830.85	10	\$2,180,332.00	1	\$188,065.65	4	\$956,557.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	\$263,586.00	7	\$1,029,005.00	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	0	\$0.00	2	\$4,320,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	3	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	0	\$0.00	3	\$2,043,839.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	1	\$370,000.00	24	\$16,692,845.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	0	\$0.00	1	\$165,874.00	0	\$0.00	0	\$0.00
OTHER NEW	0	\$0.00	29	\$179,000.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	1	\$33,072.00	3	\$40,961.00	0	\$0.00	0	\$0.00
RESIDENTIAL GARAGES	4	\$44,416.00	2	\$16,632.00	5	\$137,472.00	4	\$83,822.00
DECKS PORCHES & COVERED PATIOS	8	\$21,015.00	1	\$4,320.00	3	\$6,300.00	11	\$19,800.00
OTHER	4	\$279,300.00	1	\$7,800.00	0	\$0.00	1	\$9,400.00
HOME OCCUPATION	1	\$0.00	4	\$0.00	0	\$0.00	1	\$0.00
BASEMENT FINISH	7	\$29,231.50	14	\$58,330.00	0	\$0.00	4	\$22,990.00
COMMERCIAL BUILDINGS	12	\$2,304,566.00	14	\$3,419,026.00	0	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	24	\$450,569.48	2	\$8,719.56	0	\$0.00	0	\$0.00
Total	77	\$5,727,586.83	121	\$30,166,683.56	9	\$331,837.65	25	\$1,092,569.00

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	11/2016		11/2015		11/2016		11/2015	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	93	\$10,020.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	40	\$6,175.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	25	\$68,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	0	\$0.00	13	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL MOBILE HOME	4	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	4	\$233,865.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	95	\$1,693,822.54	0	\$0.00	18	\$95,619.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	1	\$2,644.00	29	\$150,229.00	0	\$0.00	2	\$12,500.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	9	\$34,350.00	0	\$0.00	2	\$6,000.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	26	\$132,677.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	2	\$32,171.00	56	\$1,117,234.00	0	\$0.00	8	\$141,745.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	14	\$20,800.00	0	\$0.00	2	\$1,611.00
BUILDING PLUMBING	45	\$695,757.00	57	\$653,551.00	5	\$42,200.00	7	\$505,800.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	3	\$0.00	10	\$0.00
Total	240	\$2,434,414.54	279	\$2,416,881.00	26	\$137,819.00	31	\$667,656.00

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	*****City*****		*****ETA*****	
	11/2016	11/2015	11/2016	11/2015
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	0	54	0	0
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	3	2	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	7	0	0
SINGLE FAMILY DETACHED	9	10	1	4
Total	14	73	1	4

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	11/2016		11/2015		11/2016		11/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	211	\$43,408,527.40	231	\$44,317,615.54	33	\$8,640,404.83	69	\$15,381,004.20
ROWHOUSE (2) 1-HR FIRE SEPARATION	127	\$19,588,138.50	70	\$10,230,381.45	0	\$0.00	0	\$0.00
ROWHOUSE	6	\$576,000.00	0	\$0.00	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	6	\$1,050,342.00	3	\$208,660.50	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	2	\$8,036,000.00	8	\$23,300,475.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	55	\$0.00	60	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	1	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	1	\$1,800.00	0	\$0.00	0	\$0.00	0	\$0.00
MOTELS	0	\$0.00	1	\$24,000.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	4	\$110,000.00	27	\$2,355,555.00	0	\$0.00	1	\$0.00
AMUSEMENT & RECREATION	1	\$125,750.00	1	\$249,353.40	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	1	\$99,622.00	2	\$53,513.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	17	\$3,378,830.00	112	\$47,894,941.40	0	\$0.00	7	\$3,730,064.73
HOSPITALS & INSTITUTIONAL	4	\$155,000.00	6	\$29,833,091.63	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	5	\$3,280,139.00	11	\$12,584,108.00	0	\$0.00	1	\$182,500.00
SCHOOLS & EDUCATIONAL	2	\$3,265,847.00	4	\$6,210,343.00	1	\$18,000,000.00	4	\$9,429,745.00
RETAIL SALES	5	\$2,488,600.00	3	\$4,880,140.00	0	\$0.00	0	\$0.00
OTHER NEW	4	\$427,120.70	61	\$1,975,895.85	0	\$0.00	1	\$10,000.00
PUBLIC BUILDINGS	0	\$0.00	1	\$41,664,400.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	27	\$999,318.00	21	\$694,900.64	20	\$700,845.25	13	\$921,254.45
RESIDENTIAL GARAGES	70	\$770,040.02	90	\$726,582.00	76	\$1,616,884.00	63	\$1,615,952.00
DECKS PORCHES & COVERED PATIOS	216	\$724,823.52	175	\$538,129.50	32	\$120,750.00	56	\$155,805.00
SWIMMING POOLS & SPAS	9	\$586,969.70	10	\$525,550.00	6	\$332,274.00	3	\$186,000.00

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	11/2016		11/2015		11/2016		11/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
OTHER	68	\$1,764,032.98	63	\$2,995,165.59	8	\$219,100.00	5	\$195,206.00
HOME OCCUPATION	5	\$0.00	7	\$0.00	0	\$0.00	1	\$0.00
STORAGE SHEDS	21	\$61,898.00	13	\$26,771.50	9	\$73,080.00	2	\$1,000.00
BASEMENT FINISH	133	\$654,374.75	136	\$680,550.37	39	\$212,783.85	44	\$240,362.03
COMMERCIAL BUILDINGS	193	\$93,638,508.00	114	\$76,216,176.39	19	\$2,403,350.00	5	\$1,311,000.00
OFFICE BUILDINGS	1	\$7,500.00	10	\$1,527,055.00	0	\$0.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	13	\$1,998,188.00	0	\$0.00	3	\$275,000.00
PUBLIC BUILDING	0	\$0.00	4	\$134,000.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	4	\$0.00	2	\$0.00	0	\$0.00	1	\$0.00
COMMERCIAL	6	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	13	\$0.00	14	\$0.00
NURSERY STOCK SALES	5	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	17	\$0.00	10	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	109	\$1,252,708.03	98	\$1,300,753.73	0	\$0.00	1	\$2,400.00
SIGN ALTERATION	11	\$128,349.04	6	\$85,711.00	0	\$0.00	0	\$0.00
Total	1348	\$186,580,238.64	1386	\$313,232,007.49	256	\$32,319,471.93	294	\$33,637,293.41

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	11/2016		11/2015		11/2016		11/2015	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	223	\$10,020.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	482	\$661,651.00	432	\$99,710.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	288	\$7,000.00	397	\$346,700.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	177	\$35.00	181	\$62,190.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	22	\$0.00	23	\$2,260.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	15	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	15	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	113	\$276,870.00	139	\$233,865.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	0	\$0.00	21	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	6	\$0.00	7	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	1	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	229	\$3,236,883.54	0	\$0.00	45	\$256,066.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	99	\$893,478.00	127	\$3,001,671.00	23	\$3,519,879.00	24	\$93,160.00
BUILDING MECHANICAL FIREPLACE	106	\$343,603.00	154	\$630,140.00	18	\$67,300.00	21	\$94,072.00
BUILDING MECHANICAL HVAC APPLIANCE	298	\$1,841,699.84	127	\$826,356.00	32	\$236,253.00	17	\$123,130.00
BUILDING MECHANICAL NEW CONSTRUCTION	403	\$14,036,526.55	523	\$22,069,351.05	51	\$1,923,695.00	74	\$1,710,964.00
BUILDING MECHANICAL OTHER	2	\$2,453.00	16	\$228,184.00	0	\$0.00	1	\$10,450.00
BUILDING MECHANICAL WATER HEATER	227	\$335,910.69	197	\$278,066.99	19	\$31,599.00	30	\$39,384.03
BUILDING PLUMBING	567	\$13,432,725.53	577	\$16,025,867.27	67	\$1,146,377.11	104	\$1,772,513.00
BUILDING SEPTIC	2	\$0.00	0	\$0.00	49	\$0.00	102	\$0.00

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Permit Type	11/2016		11/2015		11/2016		11/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
Total	3275	\$35,078,856.15	2928	\$43,804,361.31	305	\$7,181,169.11	375	\$3,843,673.03

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	11/2016	11/2015	11/2016	11/2015
Living Units	Units	Units	Units	Units
MOTELS	0	0	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	78	255	0	0
OTHER NEW	0	0	0	0
ROWHOUSE	6	0	0	0
MANUFACTURED HOMES	53	11	0	0
2-UNIT DUPLEX OR CONDO	12	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	127	69	0	0
SINGLE FAMILY DETACHED	211	230	33	65
Total	487	569	33	65